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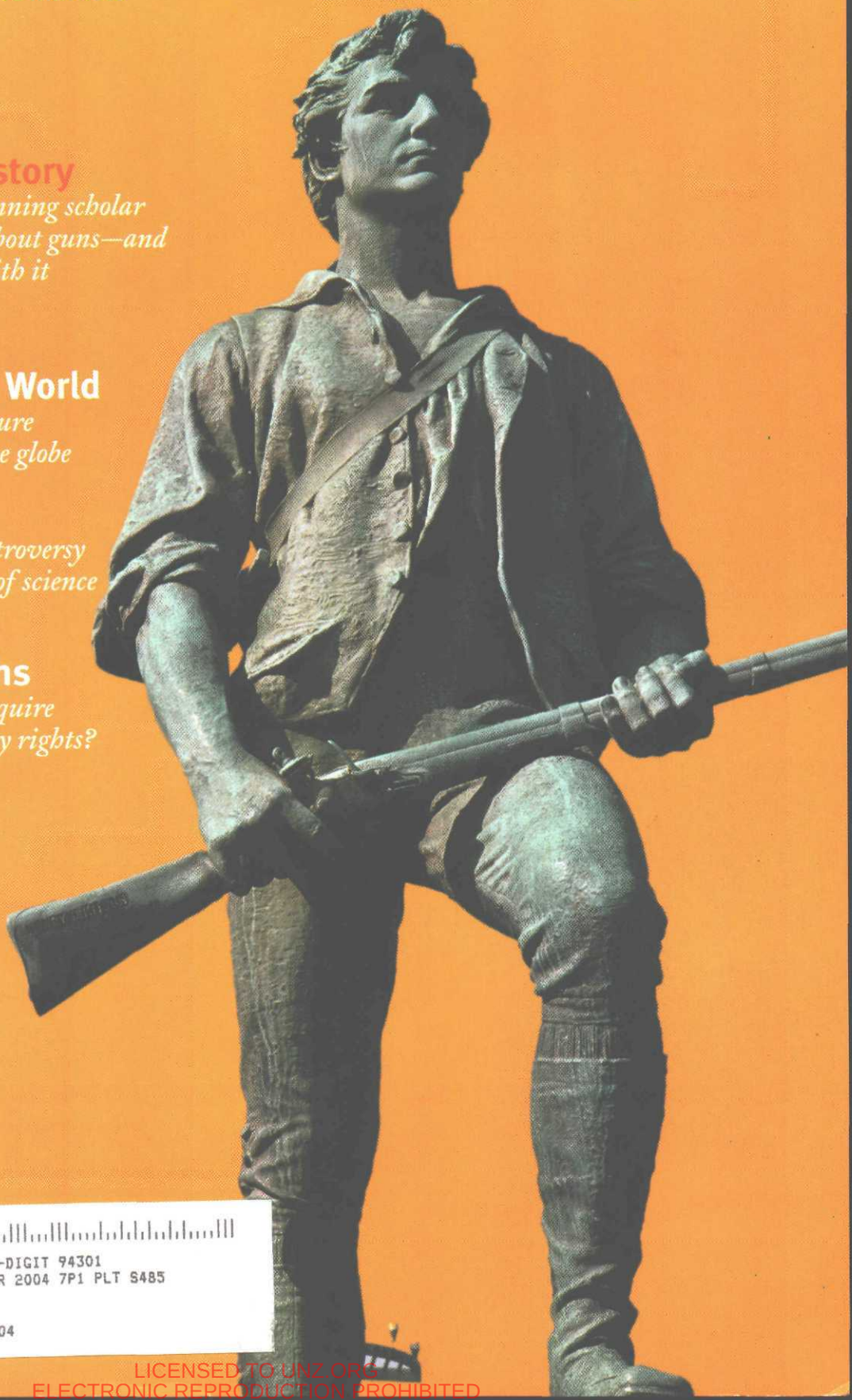

Disarming History
How an award-winning scholar twisted the truth about guns—and almost got away with it

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Why American culture isn't dominating the globe

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The Atkins diet controversy and the sorry state of science journalism

Creation Myths
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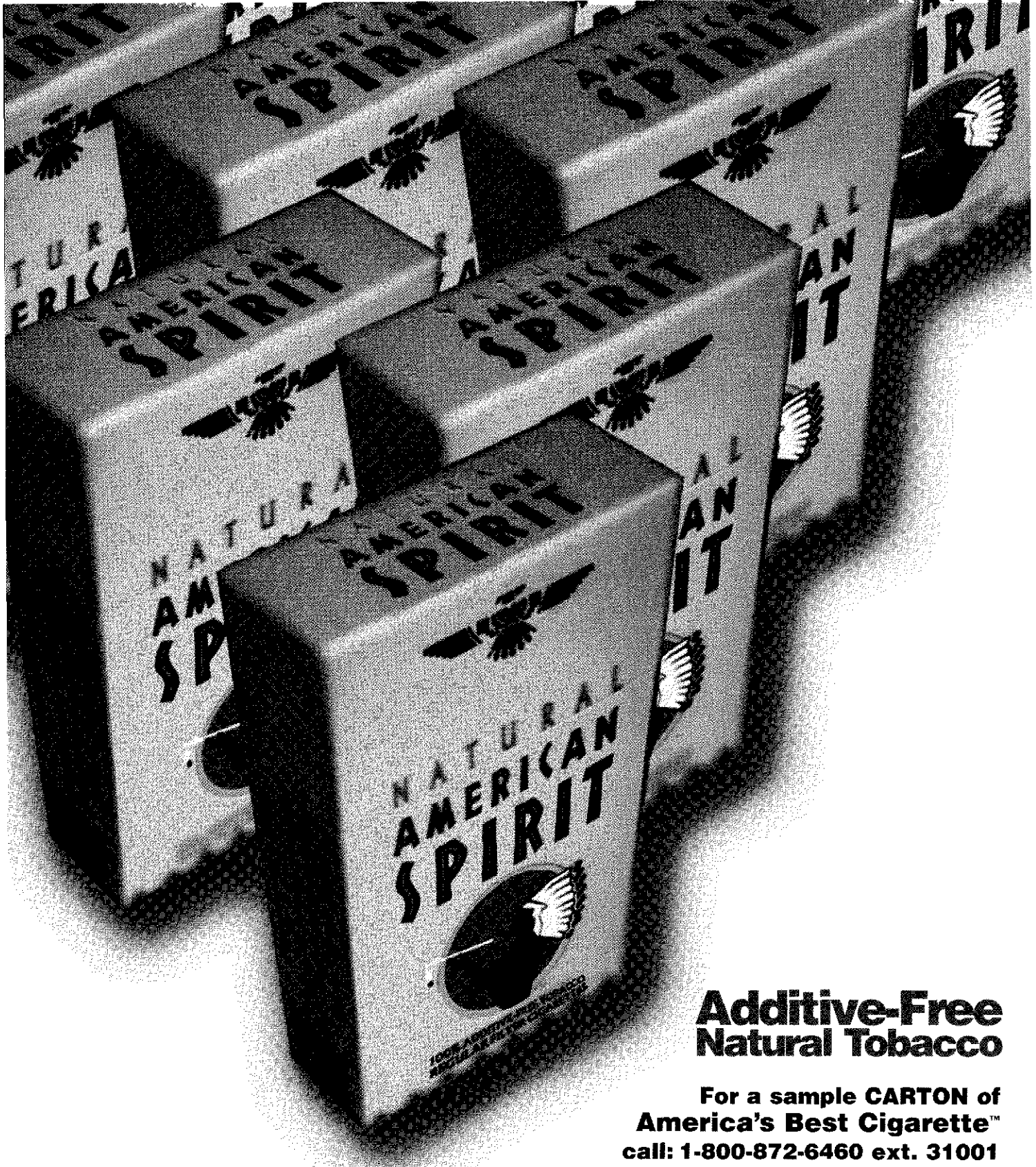

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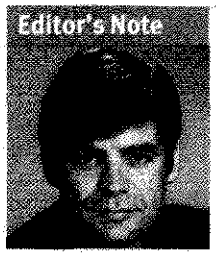

Learning From History

"I DID READ the review and thought it rather contradicted the title of your magazine. Among other things it...completely misstated the thesis of my book. It seems that anything can get into print." This sort of curt missive from offended authors—including the clever gibe that **reason** is somehow unreasonable—accounts for a good chunk of my professional correspondence.

What makes this January 16, 2001, e-mail particularly memorable is that it came from historian Michael Bellesiles, author of the discredited book *Arming America: The Origins of a National Gun Culture.* Bellesiles is referring to Joyce Malcolm's widely read, devastating critique, which appeared in our January 2001 issue. Malcolm, the author of *To Keep and Bear Arms: The Origins of an Anglo-American Right* and *Guns and Violence: The English Experience*, was one of the very first reviewers to catalog the mistakes that would eventually bring about Bellesiles' spectacular demise.

At the time he wrote me, Bellesiles was riding so high that he didn't have to engage his critics in any serious way. *Arming America* argued that contrary to traditional accounts, guns were relatively rare in America until the mid-19th century. Glowing reviews hailed it as a "myth-buster" that "changes everything" we thought we knew about the history of firearms in these United States. Champions proclaimed that the book had "inescapable policy implications" that would make contemporary debates about gun control more "fact-based and rational." Just a few months after Malcolm's **reason** review, *Arming America* took home the Bancroft Prize, the most prestigious award given to history books.

How things have changed. As charges of misrepresented and faked sources mounted, Bellesiles' employer, Emory University, convened an outside panel of experts to look into the matter. After the panel released its findings last fall, Bellesiles resigned. In December, Columbia University, which awards the Bancroft Prize, rescinded the honor. In January, Alfred A. Knopf announced it would no longer sell the book. Maybe anything can *get* into print, but staying in print seems to be a different matter.

In this issue's cover story, "Disarming History" (page 22), Malcolm provides the definitive account of the Bellesiles controversy; she also looks at scandals involving the award-winning historians Joseph Ellis, Stephen Ambrose, and Doris Kearns Goodwin. Malcolm draws many lessons from these cases, none more important than this one: It is "essential... that historians take their critical role seriously and always place it before their political inclinations."

Not long ago, *The Arizona Republic* said that "**reason** likes to clobber... falsehoods and misconceptions with a critical sledgehammer." Our cover story certainly does that, as do other pieces in this issue. Check out "Big Fat Fake" (page 40), which reveals "the sorry state of science journalism" as it relates to coverage of the popular Atkins Diet, and "Dixiecrats Triumphant" (page 16), which will forever alter your understanding of the "idealist" Woodrow Wilson.

Nick Gillespie

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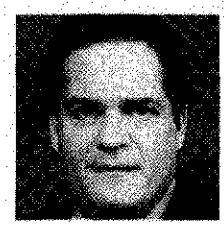
Michael Fumento

Douglas Clement

Sara Rimensnyder

Science journalist MICHAEL FUMENTO ("Big Fat Fake," page 40) has a long, unhappy history with diet gurus and their faddish regimens, including an unsuccessful stint on something called "the rotation diet." Worse, his 1997 book *The Fat of the Land* (Viking) was all but eclipsed by the simultaneously released *Your Fat Is Not Your Fault*. "My own subtitle might have been *Your Fat Is Your Fault*," says Fumento. "My book was clobbered." Fumento, 35 pounds lighter than he used to be, is a senior fellow at the Hudson Institute in Washington, D.C. He has untangled science and hype in three other books and in numerous newspaper and magazine articles. (His March 1997 **reason** piece on Gulf War Syndrome was a finalist for a National Magazine Award.) Fumento's new book, tentatively titled *BioEvolution: How Biotechnology Is Changing Our World*, is due out soon from Encounter Books.

As the courts decide how many years copyrights should last, DOUGLAS CLEMENT writes about two professors who are questioning the very need for intellectual property laws ("Creation Myths," page 30). Is his article no more than the ravings of a former Napster fanatic? "I've never downloaded an MP3," confesses Clement. "My home modem is just too slow." In his role as a senior writer for *The Region*, published by the Federal Reserve Bank of Minneapolis, Clement translates the jargon of modern economics theory into comprehensible English. (The results are available online at minneapolisfed.org/pubs/region/.) The quick and easy version of his story on copyrights? "According to these guys," he says, "our economy might be better off without them."

reason Assistant Editor SARA RIMENSNYDER ("Creatures of the Mall," page 15) wraps up nearly three years at the magazine with next month's issue. "**reason** has been such a wonderful place for me," says Rimensnyder, one of only two editorial staffers who actually work out of the magazine's West Los Angeles offices. "Actually, it still is, but I'm cursed with itchy feet." For the time being, she plans to stay in L.A., where she's writing and co-producing a short film called *The Interloper*.

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E Pluribus Umbrage

Tim Cavanaugh, author of "E Pluribus Umbrage" (December), finds it amusing that in the midst of the church's priest scandal, the Catholic League for Religious and Civil Rights "alerted its 300,000 members to a grave threat to the faith: a *King of the Hill* episode in which cartoon housewife Peggy impersonates a nun."

This makes it sound as if we object to *Sister Act* portrayals, but anyone who has really followed the Catholic League knows this is bunk. Our objection to this episode was the vile way in which the Eucharist was treated. Cavanaugh omits this because it would interfere with the point he wants to make.

On a more important note, Cavanaugh says that our petition to the Federal Communications Commission (FCC) protesting *Opie and Anthony* shows we really do believe in censorship. This is nonsense. Congress long ago established the FCC, and no one has ever ruled it to be a censorial body. Indeed, when we succeeded in getting the show kicked off the air, we immediately requested the FCC not to go through with yanking the license of the station.

Perhaps the most telling comment by Cavanaugh is his remark that "the most endearing thing about Bill Donohue is that he genuinely seems to enjoy hurting people." It would be more accurate to say I enjoy giving it to intellectual jackasses. Cavanaugh will escape my wrath because he is no intellectual.

William A. Donohue
President, Catholic League for Religious and Civil Rights
New York, NY

Kudos for Tim Cavanaugh's well-written piece on the subject of stereotyping. He makes some cogent points.

However, as a teacher and longtime Italian-American historian, I did spot an error. When David Chase "lampooned" activists in a recent episode of *The Sopranos*, he wasn't poking fun at the alleged absurdity of rampant Italian stereotyping in Hollywood. He was making fun of the activists personally, out of spite. Their crime? No, not a sense of victimization, which they have never claimed for themselves; rather, their acknowledgment of the constant degradation of the Italian-American image in the media, which extends far beyond *The Sopranos* to TV sitcoms, advertising, theater, pulp fiction, newspapers, etc.

I find it amazing that Cavanaugh isn't amazed that over 800 films produced about Italians since 1928 portray us as the unofficial scum of the country. Does he actually buy into these images? Is he also a secret fan of *The Sopranos*, with its Grand Guignol theatrics? And doesn't this constant mocking of Italian-American culture prove that discrimination doesn't take place just via housing or the workplace—that Italian-American actors, writers, and directors are forced to prostitute their talents in order to succeed in Hollywood?

Of course, one can always do so willingly, as have David Chase and others. Far from being labeled racists, however, these self-loathing types are acclaimed as great artists. They earn high ratings, win distinguished awards, and, alas, even get glowing write-ups in **reason**.

Bill Dal Cerro
Chicago, IL

I don't agree with Ted Grippo's attempt to silence *The Sopranos*. The best way to fight stereotypes is with real-life accomplishments, which Italian Americans certainly have exhibited in this country.

However, Tim Cavanaugh and Nick

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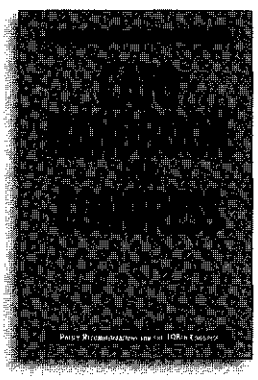

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Gillespie ("Looking for Hate in all the Wrong Places," December) are wrong on three counts. First, Gillespie disputes the charge that the show regularly portrays "Italo-Americans as uneducated, low-life brutes." Come on, really. I don't know what episodes he's been watching, but the few that I have seen were overwhelmingly full of such characters. Fine, I don't have to watch the show.

Second, as a weekly program *The Sopranos* has more influence than, say, a truly intriguing and artful work about the Mafia, such as the film *Goodfellas*, and so it must shade America's perceptions of Italian Americans. Terrible? Not compared to what other ethnic groups undergo, sure. But stereotypes are still wrong. Otherwise, why not have a show that suggests all Arab Americans are terrorists? Why is one acceptable and the other not?

Finally, from what I've seen, this TV show isn't much good on merit. *The Sopranos* glorifies violence for its own sake. *Goodfellas* uses violence to reveal the Mafia for what it is: a sad group of bullies who'd rather break heads than use their heads. Not the *Sopranos* bunch, who are portrayed as generally regular, if rough, guys in the garbage hauling business with psychological problems just like the rest of us.

V. Racanelli
Brooklyn, NY

Tim Cavanaugh replies: Bill Donohue confirms that he is America's premier insult comic, though I would have preferred he call me a "hockey puck" rather than a jackass. I'm also relieved he only wants the government to force programmers to cancel offensive shows; for a second there I thought he was in favor of censorship. The Catholic League's war on cartoon characters speaks for itself.

I doubt V. Racanelli's and Bill Dal Cerro's claims that Mafia pictures have real-life consequences for Italian Americans. Activists frequently note Mob fiction became more popular as the actual Mob withered and the Italian-American community produced enough notables to fill several *Who's Who* volumes. This is a familiar trajectory; westerns really caught on once the West was paved.

Special Ed Confidential

I just read Lisa Snell's "Special Education Confidential" (December). Bravo! I am a speech pathologist who worked for 25 years in public schools here in west central Florida. It is just as she describes it. I left special education in disgust over the lunacy of it all. We had to pack the kids in to generate funds for our salary. It was an unwritten law we all followed.

Please keep up the good work and shine the light on the crooked aspects of the education bureaucracy. How about taking on the textbook industry and their conspiracy to shake the American public down?

Jim Duffey
St. Petersburg, FL

Lisa Snell should be a lot more cautious in her attitude toward special education. I am a parent of two children with disabilities. One child has ADHD, L.D., and Asperger's Syndrome; the other child has spina bifida, ADHD, L.D., and speech and language disabilities. I have been an advocate for almost 20 years and I can attest that never once in those years have I ever had a parent say they looked forward to the fight they knew would be waged to get the proper education for their child!

The article does a real disservice to those children who do have learning differences. It is difficult enough for parents to get our children properly diagnosed by the school system and

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then put on individual educational plans without Snell suggesting that perhaps most of them do not actually have a disability.

Snell used her nephew Clayton as an example of a student who might have been diagnosed as learning disabled because he was not properly taught how to read in kindergarten. But did her sister ever actually have Clayton evaluated? If not, that's sad, because as Clayton gets into the higher grades, a true learning disability might raise its ugly head.

Phonemic awareness and sound symbol segmentation, mentioned by Snell, are generally the preferred method used to teach reading to the special education student. That might be why Clayton picked up on the reading and improved his scores so quickly.

Carole Nelson
Medford, MA

As a former high school industrial education teacher, I fully agree with Lisa Snell's article. Academia dumping phonics in favor of "whole language" and other failed concepts is the reason that many kids cannot read.

These days high school graduates often require high school remedial work as college freshmen because they lack reading and comprehension skills. If products of the academic college preparation track can't read, consider those students not attending college. One problem the manufacturing industry is facing is employees and applicants who are unable to read simple instructions.

Richard Becker
Broomfield, CO

Woe is Media

Thanks to Matt Welch for strumming the pretenses of journalism's elite ("Woe is Media," December). The sweetest music to my ears was this: "It is hard to distract men so despondent with the news of such salutary post-1955 developments as female editors, 24-hour cable news, alternative weeklies, business journals, and fingertip access to 10,000 faraway newspapers."

How true. In my 13 years at the weekly *Orange County Business Journal*, I've seen our vaunted dailies, the *Los Angeles Times* and *The Orange County Register*, endure several rounds of staff cuts. As I write this, the *Times* is putting the finishing touches on a regional approach to news coverage that has sharply reduced the paper's Orange County presence, while the *Register* is undergoing layoffs and other cost cuts as a possible prelude to a sale.

The *OCBJ* has recently felt the effects of a soft advertising market too. But we're still running in the black, and unlike the big boys we've managed to keep intact our record for never having had a layoff. Our success amid adversity is the kind of small-business story you'd think the dailies might get around to covering, but not yet. Perhaps our financial and editorial success hits a little too close to home. The dailies have been similarly dismissive of the *OCBJ*'s ideological opposite but functional soul mate, the alternative *OC Weekly*, another relative newcomer that has found avid readers and healthy profits in the shadows of the faltering giants.

This Orange County dynamic is being repeated in communities across the country, where business journals and alternative papers have taken root and grown with only grudging acknowledgment, at best, from the journalism establishment.

Oh, well. Business readers know that the typical understaffed business section of a daily newspaper is increasingly reliant on wire stories, consumer features, and personal finance items. It's the business journals that are filled with enterprising reporting on economic trends, corporate winners and losers, entrepreneurs, real estate deals, and the like.

This adds up to good news for journalism, when taken in sum with all of the other specialty publications, cable channels, and online services. There's also increased energy in community papers—one group, at least, that seems to be benefiting from big-media consolidation. Those papers' lower-paid reporters have in many cases picked up the slack from the retreating parent dailies. Bottom line, decrying the state of journalism because daily newspapers are in decline is like decrying transportation in the early 20th century because railroads were then in decline: It was only depressing if you failed to notice all of the new automobiles and airplanes.

Rick Reiff
Executive Editor
Orange County Business Journal
Irvine, CA

Attention College Students

reason is accepting applications for the 2003 Burton C. Gray Memorial Internship. The intern works at least 10 weeks in our Los Angeles office and receives housing, a stipend of $2,000, and up to $400 in travel expenses. The job includes reporting and writing for **reason**, helping with research, proofreading, and other tasks. Previous interns have gone on to work at *The Wall Street Journal*, *Forbes*, *ABC News*, and **reason**.

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Drugged driving; poking the camera's eye; mooning on the wax; the San Jose experience; master of the public domain; green earth; and creatures of the mall.

Gun control on trial

The Art of Self-Defense

Sara Rimensnyder

TOM PALMER, A writer and researcher at the Cato Institute, believes he owes his life to a 9-mm semiautomatic.

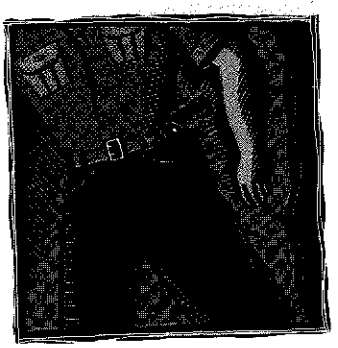
One evening in the early 1980s, he and a male friend were walking through a Los Angeles neighborhood when a group of young men started yelling at them. "They decided they didn't like faggots walking through their neighborhood," says Palmer, "and threatened to beat and kill us."

Facing 19 or 20 guys, Palmer and his friend took off running. The men pursued them, so when Palmer got under the light of a street lamp, he quickly pulled out the gun he was carrying in his backpack. His mother, worried that such a situation would someday arise, had given him the weapon.

Fortunately, this turned out to be one of those life-and-death situations that had not only a happy ending but a punch line. "When I took out the gun," Palmer recalls, "the gang leader's first words were, 'Have you got a permit for that?'"

The gang quickly backed off, and Palmer never had to fire his weapon.

Today, Palmer lives in Washington, D.C., which boasts some of the strictest gun laws in the nation. That's why he's become one of five plaintiffs in a lawsuit to be filed in early 2003 in a federal district court. Along with



three D.C. attorneys, the plaintiffs will argue that district residents have a constitutional right to keep arms in their homes.

D.C. effectively bans the private possession of handguns. You can keep a shotgun or rifle in your home, but it has to be unloaded and disassembled. "What good is that when you're faced with an intruder?" asks Palmer.

Robert Levy, a senior fellow at Cato, is one of the attorneys working on the case. Although Levy, Palmer, and a second attorney, Gene Healy, all work at Cato, Levy stresses that the lawsuit is a personal project. "Cato doesn't litigate," he says. The third attorney, Clark Neily, works at the Institute for Justice, a libertarian public interest law firm.

Does the lawsuit have a fighting chance? Palmer is optimistic, "given that in D.C. it's the Department of Justice that prosecutes felonies, and John Ashcroft has defended the right to carry a weapon as an individual right." But in several 2002 cases, D.C. Superior Court judges rejected that argument, citing a 15-year-old D.C. Court of Appeals decision upholding the ban.

The politics of "drugged driving"

Safety Hook

Jacob Sullum

IF JOHN P. WALTERS has his way, Friday night tokers will no longer be fired for failing Monday morning drug tests. Instead they'll be arrested on the way to work.

At a November press conference the federal drug czar

25 years ago in reason

"The CIA has experimented with mind-control, telepathy and other parapsychological techniques. The agency even went so far as to hire John Mulholland, the New York magician, to help teach what Admiral Turner has called "aspects of magicians' art useful in covert operations."

—James Dale Davidson, "The CIA and the Occult"

"Governor Jerry Brown of California no longer wants us to lower our expectations but to raise them; into geosynchronous orbit, in fact. The Zen Statesman... now believes orbiting space colonies and...solar power satellites are Small enough to be Beautiful."

—Bill Birmingham, Brickbats

"Increased [vehicle] weight worsens handling, and deteriorates acceleration and passing ability which reduce the margin of safety in overtaking and highway maneuvers. Safety experts have for years recognized pick-up and passing capability as extremely valuable for the vehicle's 'active' safety."

—Jack Solomon, "Billion Dollar Bumpers"

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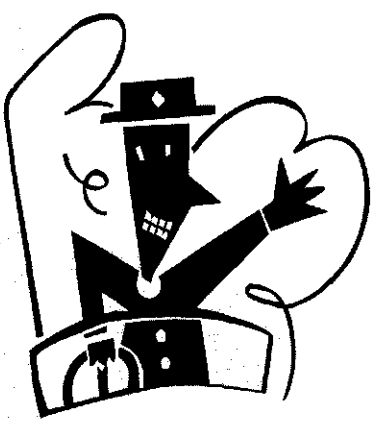
announced an interagency, public-private campaign against "drugged driving." Along with TV spots that began airing in January and research aimed at developing "new technologies to identify drug-impaired drivers in the field," the initiative includes "model legislation" that treats drivers with any trace of illegal drugs in their systems as if they were intoxicated.

Eight states currently have such "zero tolerance" laws, while the rest require additional evidence of impairment, since the presence of metabolites does not necessarily indicate that someone is unfit to drive. Marijuana metabolites, for example, can be detected three or more days after a single dose and weeks after a period of regular use—long after any effect on driving ability has worn off. But as far as Walters is concerned, pot smokers should not drive, period.

That view was also endorsed by Michael Walsh, former executive director of the President's Drug Abuse Advisory Council. Now a private drug testing consultant, Walsh was the lead author of a Robert Wood Johnson Foundation report on drugged driving that was released the week before Walters' press conference. "If DUID [driving under the influence of drugs] laws were consistent and easier to apply," Walsh said, "we could identify these individuals and get them into treatment before they become a serious threat to public safety."

After all, why wait until someone threatens public safety before you arrest him? ▯



Total surveillance awareness

Poking the Camera's Eye

Brian Doherty

WHO WATCHES THE watchmen? One possible answer: We all should. This answer animates World Sousveillance Day (WSD), which took place on December 24. (Sousveillance is a neologism meaning "sight from below" or "undersight").

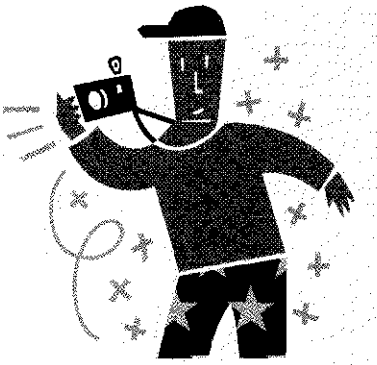
On that day, citizens all over the nation were supposed to approach public surveillance cameras and aim their own cameras back at them. The idea is that if the cameras can't be eliminated, all of us "below" should at least be keeping our eyes on those "above" who are keeping their eyes on us.

The idea originated with Steve Mann, a University of Toronto computer engineering professor famous for turning himself into a cyborg. As his Web site, wearcam.org, puts it, Mann is "the first person to live in total constant intimate contact with the computer" and "sees the world as images imprinted onto his retina by rays of laser light."

WSD has been picked up by a variety of organizations and individuals, creating a decentralized, Internet-based movement. It is hard to know how many people are participating, but some version of the event has been promoted since 1998.

Reporter Neil Hrab accompanied Mann on his WSD mission in Toronto and wrote about it for **reason online**. While many WSDers anticipate interference from the guardians of the surveillance cameras, Hrab had a different experience. "No one at any of the stores Mann and I visited looked askance at the professor's head-mounted camera," he wrote, "or got upset about the frequent flashes emanating from the digital camera he wore on his chest." No one harassed them even for photographing a sign declaring that photography was forbidden.

Another group critical of surveillance cameras is the New York–based Surveillance Camera



Players (SCP), which raises public awareness by staging guerrilla theatrical performances in front of such cameras. But the SCP doesn't buy the notion of "sousveillance." Comments an SCP spokesperson, "The logic of 'shooting back' is faulty. It's like guns: Arming everyone doesn't protect us against the police. We want everyone disarmed, of both their guns and their cameras."

The SCP hasn't been as lucky as Mann was on his WSD excursion this year. Guards at Rockefeller Center once threateningly informed their troupe, "You know, we can watch you everywhere you go." "Precisely the point of our performance," the SCP spokesperson says. ▯

Of power plants and manatees

Hot Water

Ronald Bailey

ENVIRONMENTAL activists are usually happy when power companies close down coal-fired electric plants in favor of cleaner, more efficient ones. But that's not currently the case in Florida, where, in a textbook example of the law of unintended consequences, the closure of coal-fired plants threatens an already endangered species.

There are fewer than 2,000 manatees, the large sea mammals that resemble whiskered baked potatoes, in U.S. coastal waters. It turns out they thrive in water warmed by coal-fired electric power plants.

Walking along a Tampa Bay canal a few years ago, I was delighted to spy a small herd of manatees. They were there because the Tampa Electric Company's plant uses water »

Quotes

"I said God might speak to the world through a burning Bush....I thought it was funny." ▯

—Richard Humphreys, defending himself in court in September 2002 against charges of threatening to kill or harm the president. Humphrey's comment, made in a bar near Sioux Falls, South Dakota, just before President Bush's visit there, won him 37 months in prison.

"We weren't portraying stereotypes. It was pretty much of a Southern show created by Southerners—a wonderful piece of Americana. Good guys always won; nobody got hurt. Very healthy, positive, ennobling heroes in fact." ▯

—Former U.S. Rep. Ben Jones, D-Georgia, who also played Cooter on *The Dukes of Hazzard*, defending that show while criticizing likely stereotypes in a planned reality-TV version of *The Beverly Hillbillies*, in a Jan. 7 *Crossfire* interview

Source

Check out Hit & Run, **reason online**'s staff weblog, which delivers "continuous news, views, and abuse" at www.reason.com/hitandrun/. Launched in December, the site has been hailed as "lively and interesting" by *The Wall Street Journal*'s *Opinion Journal*. ▯

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Brickbats

Police in White Oak, Texas, pulled a woman over for a possible DUI. But they wound up charging her for something much more, um, serious. Kathy Grubbs was found to be traveling with 17 "obscene materials and obscene devices." In other words, Grubbs had a car full of dildos. She distributes the items and had just returned from showing her wares at a party for adult women. Since Texas law says it's illegal to "wholesale promote" obscene materials or devices, Grubbs now faces two years in prison.

John W. Pierce, a Virginia mail carrier, faces up to 25 years in prison for not delivering mail. Authorities hauled away three nine-ton truckloads of mail from his home. They found additional undelivered mail at a self-storage container Pierce had rented.

Canadian Natural Resources Minister Herb Dhaliwal is leading the nation's efforts to ratify the Kyoto treaty limiting greenhouse gases. He's also the proud owner of two sport utility vehicles—General Motors 4x4s, to be precise. He has one for Ottawa and one for his home in Vancouver. Canada's plans to implement Kyoto include a call for people to drive small cars that use less fuel.

At least 12 SWAT team officers crashed through the door of a San Antonio apartment. Screaming obscenities, they pummeled and handcuffed the occupants, then tore the place apart looking for drugs. Only afterward did they realize they'd raided the wrong apartment. The police unhandcuffed the Heurta family, apologized, and left them to tend to their injuries. Marcos Huerta had to be taken to the hospital for cuts on his face.

Three members of Madrid's regional legislature were caught surfing the Internet for porn during a debate on domestic violence. Miguel Angel Perez-Huysmans, Manuel Troitino, and Coloman Trabad are all members of Spain's ruling conservative Popular Party. The three were fined upward of 450 euros ($460), and Perez-Huysmans stepped down as leader of the party's youth movement.

Mehmet Emre Gul, son of Turkish Prime Minister Abdullah Gul, has received his draft notice to serve in that nation's military. But the younger Gul is just 11 years old, seven years younger than the minimum age for the draft. The defense ministry has no explanation for the mistake.

Scotsmen such as David Hume and Adam Smith pondered the origins of civil society and the limits of reason. Modern Scotsmen, or at least Scottish police, are devoting a great deal of mental effort to an even more stimulating inquiry: When does underwear cease to be simply functional and become something "intended for use in connection with, or for the purpose of, stimulating or encouraging sexual activity"? It's no joke. The law bans the latter. The police, who are fully prepared to bust shops selling sexy knickers, stockings, and garters, simply want the government to draw the line between sexy and utilitarian.

Charles Oliver

› from the canal to cool its steam pipes. After being used as a coolant, the water is returned to the canal about 10 degrees warmer. The manatees love it. Tampa Electric also pumps fresh water through two hoses into the discharge pool for the manatees to drink.

Manatees die from cold stress if water temperatures fall below 68 degrees Fahrenheit, so in winter they congregate by the hundreds to bask in the warm outflows from electric plants. Wildlife experts generally agree that the power plants have helped the species survive.

Now some wildlife conservationists are beginning to worry about what will happen when the aging power plants are shut down. Organized Fishermen of Florida spokesman Jerry Sansom, who has tracked manatee issues for years, told the *Orlando Sentinel*, "It's a disaster waiting to happen." Five manatees died of cold stress when a Jacksonville plant shut down a couple of years ago.

A task force of scientists, power plant executives, and manatee conservation advocates are looking for solutions. One suggestion is that solar-powered warm-water refuges be built to harbor manatees during the winter months.

Mooning on the wax?

Drop Your Pants

Sara Rimensnyder

AN AUSTRALIAN MAN who mooned a police cruiser is defending his action in a Queensland court. Twenty-year-old Ernest Togo and his lawyer argue that bearing one's buttocks to uniformed officers is well within an Aussie's constitutional rights to political protest, reports CNN.

Political protest or not, Togo was charged with indecency. The case has been dragging through the courts since November.

The authorities are not amused by Togo's defense. "If we allowed everyone who wanted to drop their pants and moon police officers" to do so, the prosecutor told the court, "we [would be] undermining the authority of the police."

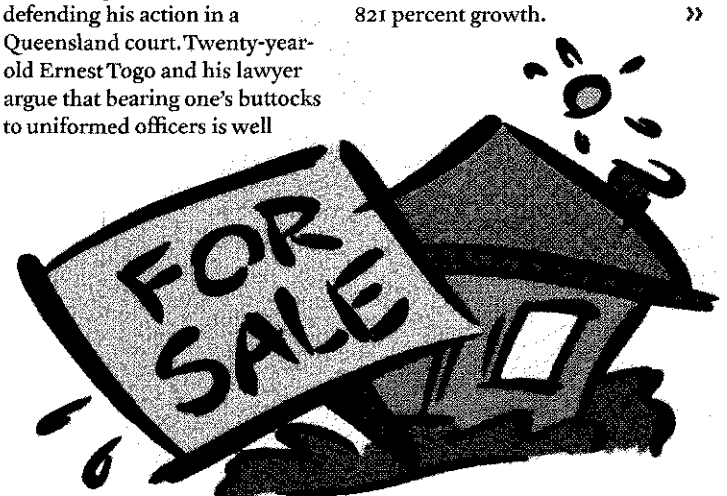
Meanwhile, in Manassas, Virginia, a bared American derriere is causing consternation. Radio personality Timothy Coburn faces up to a year in jail and a $2,500 fine for mooning a camera in front of a "Welcome to Manassas" sign. Although Coburn thought he was merely promoting WIHT Hot 99.5's "Show Us Your Ass for a Boarding Pass" contest, city officials saw things differently. According to Allaccess.com, city officials say the prank "eroded years of efforts at establishing Manassas as a nice place to live and visit."

The high cost of low growth

Do You Know the Cost of San Jose?

Brian Doherty

THE DUBIOUS HONOR of fastest-rising housing costs during the last 25 years belongs to San Jose, California. Housing prices there grew 936 percent over that period, beating out even legendarily expensive San Francisco's 821 percent growth. »



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Balance Sheet

Jeff A. Taylor

Kidnap Care

The Illinois Supreme Court fixes a glitch state lawmakers created in their frenzied show of opposition to underage drinking. State law required people to commit felony kidnapping—by forcibly stopping any drinker under 21 from leaving a residence—or be charged with a misdemeanor.

Pub Crawl

Britain finally changes its laws forcing pubs to close at 11 p.m., a rule that encouraged binge drinking and drunk driving. Now if only something can be done about spotted dick and bangers and mash.

How Now

Scientists in New Zealand are at work on "green cows," whose digestive tracts will produce less methane. Methane is a greenhouse gas, so in theory the green cows wouldn't contribute to any global warming now afoot.

Allergic Action

After years of legal wrangling, Claritin makes its over-the-counter debut to the delight of allergy sufferers in America. The price of the drug is expected to fall by 75 percent.

Digi-Roh

Roh Moo-hyun's winning campaign for president of South Korea shows wired politics can work. Roh, a political unknown, raised tons of campaign cash from 180,000 donors and sent text messages to some 800,000 cell phones to bring out the voters.

Foreign Assets

A report by the Center for Labor Market Studies finds that 80 percent of new male workers who entered the American workforce in the 1990s were immigrants. Without them the labor force would have been caught short and the massive economic expansion stalled.

Duck, Duck...

The FBI goes on nationwide alert searching for five Arab men. The bureau admits it doesn't really know their names or what they look like. Then it turns out the feds were following a bum tip. The men don't even exist.

Smart, Not Popular

A so-called smart traffic system that D.C.-area governments pumped $8 million into goes belly-up. Nobody wanted to dial into a service for "personal" traffic reports.

Papers Please

The White House's "Leave No Child Behind" education law will push out teachers who lack make-work "certificates" to teach. States find out that hiring, say, retired computer experts will be much harder under new federal mandates. Kids lose; teachers unions win.

Tip Sheet

Police in Montgomery County, Maryland, use the estimated 100,000 tips they received during the D.C. sniper manhunt to track down local firearms violators. With hyper-strict gun laws, technical violations will abound.

Can Spam

Ferris Research estimates that spam costs U.S. corporations almost $9 billion per year and European businesses another $2.5 billion. Among the biggest financial drains are lost productivity while workers delete unwanted ads and server upgrades to handle the added traffic.

Abuse Tax

Taxachusetts finds a way to tax out-of-state merchandise bought by locals by establishing a 5 percent use tax for residents. It affects all purchases of personal property, no matter where the stuff is bought—or even used. If goods are brought into the state within six months of purchase, the state says it gets a bite.

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Data

Green Earth

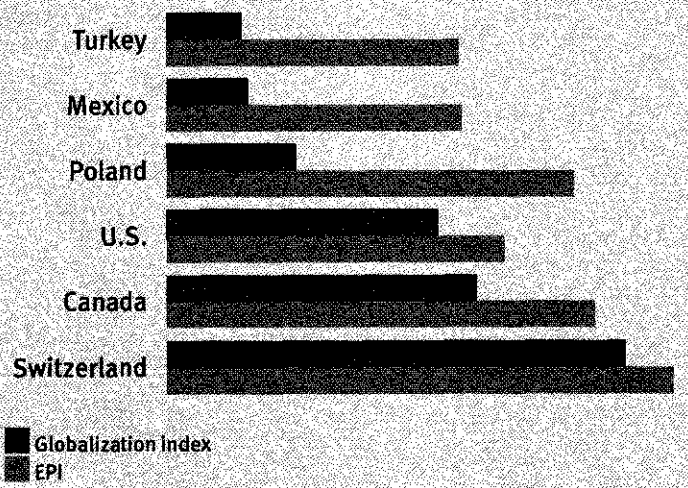
Ronald Bailey

"Globalization has profound negative impacts on the natural environment," declares Citizen Works, an activist group that Ralph Nader founded in 2001. Is it true?

"Measuring Globalization," a study in the January/February 2003 issue of *Foreign Policy*, discredits this bedrock principle of political environmentalism. The study—devised by the consulting firm A. T. Kearney, Inc. and the Carnegie Institute for International Peace—created a Globalization Index by combining data on 13 different variables, including trade, foreign direct investment, international travel and telephone traffic, the number of Internet hosts and servers, and participation in international organizations. The authors then compared the Globalization Index with the Environmental Performance Index (EPI) developed by the Yale Center for Environmental Law and Policy and Columbia University's Center for International Earth Science. The EPI ranks countries according to their present air and water quality, land protection efforts, and climate change prevention results.

Contrary to the claims of Naderite environmentalists, *Foreign Policy* found that globalization and environmental protection go hand-in-hand: High levels of globalization correlate strongly with high levels of environmental quality.

Globalization and the Environment



Note: Shown here are six of the 21 countries compared in the study.
Source: *Foreign Policy*

› Housing demand grew because of the city's Silicon Valley location, the center of the computer and Internet industries during their 1990s gold rush. Meanwhile, supply was restricted thanks to the city's rigorous application of growth control planning dating back to 1970.

Randal O'Toole of the Thoreau Institute, an Oregon-based free-market environmentalist think tank, estimates that urban growth boundaries that limit available land, combined with land use regulations that make building more expensive and time-consuming, have tripled housing costs in San Jose compared to those in similar cities.

After creating the problem—manifest in 50-year-old two-bedroom houses costing $400,000 and 2,200-square-foot four-bedroom houses costing $630,000—the city government applied the traditional government solution: affordable housing subsidies, in San Jose's case costing $180 million. But O'Toole's calculations indicate that the total increase in housing prices caused by the growth limits could be as high as $100 *billion*. Some of the $180 million in subsidy money comes from the federal government, so poor residents of Mississippi, for example, are helping house affluent people in San Jose. Even with the subsidies, San Jose housing prices remain higher than most Americans could afford.

San Jose's shocking housing price inflation is a vivid example of how government planning creates unintended and unwanted results when it collides with human choices and unexpected change. It also illustrates the political traps that make changing course difficult. As O'Toole notes, "62 percent of San Jose families own homes today, and they aren't going to want to see the drop in home values that would result from eliminating the urban-growth boundary or relaxing land use regulation." ▯

Is marijuana a "gateway"?

High Road

Jacob Sullum

BY THE 1950S, Federal Bureau of Narcotics Commissioner Harry Anslinger had backed away from his claim that marijuana turns people into murderers. Instead he began arguing that it turns them into heroin addicts. "Over 50 percent of those young addicts started on marijuana smoking," Anslinger told a congressional committee in 1951. "They started there and graduated to heroin; they took the needle when the thrill of marijuana was gone."

Half a century later, this idea, known as the "gateway" theory, remains a bulwark of marijuana prohibition. Although the claim that smoking pot makes people more likely to use other drugs is politically useful, a new study from the RAND Corporation's Drug Policy Research Center shows that it is scientifically superfluous.

Survey data indicate that heroin and cocaine users generally use marijuana first, and that people who try pot are much more likely than people who don't to try other drugs. Using a mathematical model incorporating data from the National Household Survey on Drug Abuse, the RAND researchers found that a general predisposition to use drugs, combined with a four-year lag between access to marijuana and access to other illegal intoxicants, was enough to account for these patterns.

"The people who are predisposed to use drugs and have the opportunity to use drugs

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Creatures of the Mall

Sara Rimensnyder

Thomas Hine

Anti-consumerist critics don't merely have billion-dollar ad campaigns working against them, argues cultural writer Thomas Hine, author of the witty and informative *I Want That: How We All Became Shoppers* (HarperCollins). Such shopping nags are going head to head with the entire recorded history of man.

"As far back as you can go in the fossil record, we've always been acquirers of *things*, not just for their practical value, but for their symbolic and political value," says Hine. "Shopping is the manifestation of that in the last 500 years."

Also the author of *Populuxe* (1987) and *The Total Package* (1997), Hine is a monthly columnist for *Philadelphia* magazine. Previously, he was *The Philadelphia Inquirer*'s longtime architecture and design critic. Assistant Editor Sara Rimensnyder spoke to Hine in January (via a brand new, pocket-sized, Alpine silver cell phone).

Q: Can we really trust your positive history of consumerism? After all, you are hawking a book.

A: Well, one of the reasons I wrote it was the amazingly robust anti-consumption market. Being against consuming things is the best-established market niche out there. It's far better than my own niche, that of explaining and even celebrating consumption.

Q: Why is our urge to shop worth defending?

A: One way we define individual freedom is by the ability to invent ourselves: how we want to look, what kind of values we want to express. Shopping and the idea of personal freedom grow up side by side. That's not to say they're synonymous.

Q: Can it have negative effects?

A: Obviously. It's like eating or almost anything else—you can do too much. But the people who have been condemning excess and luxury for thousands of years have usually been quite comfortable themselves. They usually are condemning the luxury of the lower classes. You can go back to Aristotle, and he sounds exactly like today's anti-consumerists.

Q: Why do so many social critics hate shopping?

A: Simon Patton, one of the first professors at the Wharton Business School, said the definition of a society with a high standard of living is one that desires things intensely and tires of them quickly. Today's critics seem to come out of that tradition of thought.

Critics always say that I overstate the degree to which people are free to buy what they want. But I'm not arguing for a minute that sellers aren't trying to manipulate our tastes through marketing and packaging. I just don't happen to believe it works as well as the critics think. If it did, it would be easier to get people to buy *my* book.

are more likely than others to use both marijuana and other drugs," said Andrew Morral, the lead author of the study, which appeared in the December issue of the journal *Addiction*. "Marijuana typically comes first because it is more available. Once we incorporated these facts into our mathematical model of adolescent drug use, we could explain all of the drug use associations that have been cited as evidence of marijuana's gateway effect."

A spokesman for the Drug Enforcement Administration, successor to Anslinger's bureau, was unimpressed by the distinction between correlation and causation. "Whether you want to use the gateway argument for the reason why marijuana is illegal or any other argument," he told WebMD Medical News, "the fact is, the majority of cocaine and heroin users first used marijuana before moving on to those other drugs."

Master of the public domain?

Locking Up Movies

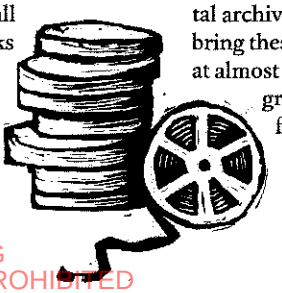
Jesse Walker

SOME CRITICS CLAIM that movies came close to perfection in 1928, the last year of the silent era, only to be dragged back down when directors had to figure out what to do with sound. Unfortunately, if you'd like to check this claim against reality, you won't be able to do it in any systematic way: The vast majority of films from the '20s and '30s aren't available on video.

So says Jason Schultz, an associate at the law firm Fish & Richardson, in a paper to be published by *The Journal of Appellate Practice and Process*. Using the Internet Movie Database as his source, Schultz counted 36,386 features and shorts released from 1927 to 1946. Of those, he discovered, only 2,480 are available on videotape and 871 on DVD. Even if you add what's showing in theaters and on pay-per-view TV, his figures indicate that over 90 percent of the films from that period are commercially unavailable.

Schultz began his investigations after the Supreme Court heard oral arguments in *Eldred v. Ashcroft*, a suit that aims to overturn the Sonny Bono Act of 1998. Defenders of the law, which retroactively extended copyright terms by 20 years, argue that if it were overturned as unconstitutional, part of the earlier Copyright Act of 1976—which also extended terms retroactively—might have to go as well, throwing everything published before 1946 into the public domain.

"That's the big push by Jack Valenti," explains Schultz, referring to the chief of the Motion Picture Association of America, which supports the extensions. "He says copyright law is the necessary engine to distribute works to the public. But the numbers we came up with show that, after a certain number of years, only a small minority of works get to the public. He might have a good year argument if he's defending a 40- or 50-year term." But corporate-owned copyrights are currently protected for 95 years; under the 1976 law, they were protected for 75.



"When copyright can't get the job done, there are institutions that can—if the work's in the public domain," says Schultz. "Digital archive projects are ready to bring these works to the public at almost no cost. It could be a great resource, but for the fact that Congress keeps extending the copyright terms."

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Dixiecrats Triumphant

The secret history of Woodrow Wilson

IT WAS INAUGURATION Day, and in the judgment of one later historian, "the atmosphere in the nation's capital bore ominous signs for Negroes." Washington rang with happy Rebel Yells, while bands all over town played "Dixie." The Chief Justice of the Supreme Court, whose role it was to swear in the newly elected Southern president, was himself a former member of the Ku Klux Klan. Meanwhile, "an unidentified associate of the new Chief Executive warned that since the South ran the nation, Negroes should expect to be treated as a servile race." Somebody had even sent the new president a possum, an act supposedly "consonant with Southern tradition."

This is not an alternate-world scenario imagining the results of a Strom Thurmond victory in 1948. It really happened on March 4, 1913, the day Woodrow Wilson of Virginia and Georgia moved into the White House. The portrait of his Inauguration Day is drawn from historian Lawrence J. Friedman's *The White Savage: Racial Fantasies in the Postbellum South* (1970).

The year-end scandal involving Sen. Trent Lott's dismal remarks in honor of Thurmond's 100th birthday, especially Lott's stated regret that Thurmond's segregationist Dixiecrats failed to win the 1948 presidential campaign, led a number of writers to examine the Dixiecrats' old platform so as to put Lott's statement in perspective. But the whole Dixiecrat enterprise had a historical context of its own.

Breakaway segregationist Democrats didn't need to pluck the racist dystopia implicit in their 1948 platform from thin air, nor did they have to base their political hopes on hazy Lost Cause nostalgia and distant antebellum dreams. An openly racist Southern presidency had existed fewer than 30 years earlier: Wilson's. His White House had not only approved of the South's discriminatory practices (many of which were also widespread in the North), but implemented them in the federal government. Had Dixiecrat dreams come true, a Thurmond administration would have done no more than revive Woodrow Wilson's racial policies.

Wilson's historical reputation is that of a farsighted progressive. That role has been assigned to him by historians based on his battle for the League of Nations, and the opposition he faced from isolationist Republicans. Indeed, the adjective "Wilsonian," still in use, implies a positive if hopelessly idealistic vision for the extension of justice and democratic values throughout the world. Domestically, however, Wilson was a retrograde racist, one who attempted to engineer the diminution of both justice and democracy for American blacks—who were enjoying little of either to begin with. (In fact, Wilson reportedly struck a racial-equality clause from the League of Nations charter as well.)

Wilson's racist views were hardly a secret. He was born in 1856 in little Staunton, Virginia. Though his family had recently relocated from famously abolitionist Ohio, his father, a Presbyterian minister, was pro-slavery and a supporter of the Confederacy. Wilson was still a boy when the family moved to Augusta, Georgia, where he grew up amid the Civil War and Reconstruction.

His public career reflected his upbringing: Wilson's five-volume study of American history was peppered with Lost Cause visions of a happy antebellum South. As president of Princeton, he had turned away black applicants. He was elected U.S. president only because the 1912 campaign featured a powerful third party, Theodore Roosevelt's Progressive, or "Bull Moose," Party, which drew Republican votes from

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incumbent William Howard Taft. Wilson emerged with a plurality victory, winning a clear majority of votes in only one state outside the South (Arizona).

What Wilson's election meant to the South was "home rule"—that is, license to pursue its racial practices without concern about federal interference. That is exactly what the 1948 Dixiecrats wanted. But Southern "home rule" was only the beginning of the administration's racial politics. Upon taking power in Washington, Wilson and the many other Southerners he brought into his cabinet set about changing the way the federal government handled its own race matters.

For example, one legacy of the post–Civil War Republican ascendancy was that Washington's large black populace had access to federal jobs and worked with whites in largely integrated circumstances. In some departments, white clerks worked under black supervision. Wilson's cabinet put an end to that, bringing Jim Crow to Washington.

Wilson allowed various officials to segregate the toilets, cafeterias, and work areas of their departments. One justification involved health: White government workers had to be protected from contagious diseases, especially venereal diseases, that racists imagined were being spread by blacks. Black federal supervisors, along with most black diplomats, were replaced by whites; numerous black federal officials in the South were removed from their posts; the local Washington police force and fire department stopped hiring blacks.

Wilson's own view was that federal segregation was an act of kindness. In historian Friedman's paraphrase, "Off by themselves with only a white supervisor, blacks would not be forced out of their jobs by energetic white employees."

Indeed, Wilson said as much to those appalled blacks who protested his actions. He told one unhappy black delegation that "segregation is not a humiliation but a benefit, and ought to be so regarded by you gentlemen." When the startled journalist William Monroe Trotter objected, Wilson essentially threw him out of the White House. "Your manner offends me," Wilson told him.

Blacks all over the country complained angrily about the administration—Wilson had actually courted the black vote in the 1912 campaign, and they felt betrayed. The president was unmoved. "If the colored people made a mistake in voting for me," he told *The New York Times* in 1914, "they ought to correct it."

Wilson appears to have perceived his presidency as an opportunity to correct history, and to restore whites like himself to unambiguous supremacy. (He thought uneducated whites should be disenfranchised.) That is apparently the reason he embraced the poisonous message of D.W. Griffith's 1915 film *The Birth of a Nation*; it offered a congenially racist narrative.

Griffith's notorious film portrays the overthrow of debasing black rule in the Reconstructionist South through the rise of the Ku Klux Klan. The film's black characters (many of them white actors in blackface) are either servile or savages; Klan members are represented as both heroic and romantic. The movie was based primarily on Thomas Dixon's 1905 novel, *The Clansman*; not only was Dixon a personal friend of Wilson's, but he had been pushing for a Wilson presidency for years, and Wilson regarded himself as being in Dixon's debt.

Wilson discharged that debt by helping Dixon and Griffith overcome the protests building against their movie. He arranged for publicized screenings for his cabinet and for Congress (the Supreme Court also had a screening), and most important, he gave Dixon and Griffith an endorsement they could exploit. "It is like writing history with lightning," Wilson said of this KKK celebration, "and my only regret is that it is all so terribly true."

Wilson's support was an important factor in defusing the movement against the film; indeed, *Birth of a Nation* went on to help spark a major Klan revival. The first half of Wilson's endorsement is still affixed to prints of the film that are screened for film students studying Griffith's advances in editing.

Obviously, Southern hopes that Wilson could force blacks into servility were delusional. Nevertheless, Wilson's Jim Crow presidency remained an available model for segregationists and supremacists who came later. Thurmond and his fellow Dixiecrats didn't necessarily require a model of triumphalist racism, but in Wilson they had one.

The Lott affair was widely treated as if its origins lay in 1948. They didn't. The past isn't dead, said Mississippian William Faulkner. "It's not even the past." He might have added that the past with which we grapple is often not even the real past.

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Guilty by Association

Note to conservatives: Most immigrants aren't terrorists.

SHORTLY AFTER TWO men were arrested in last October's sniper shootings, ending a crime spree that had terrorized the D.C.-Baltimore area and left 10 people dead, a detail emerged that galvanized a large segment of the American punditry. One of the suspects, 17-year-old John Lee Malvo, was an illegal alien—a Jamaican who had entered Florida as a stowaway. Moreover, in December 2001 the U.S. Border Patrol had taken him and his mother into custody. A month later, despite their admission that they were here illegally, the Seattle office of the Immigration and Naturalization Service released them on bond instead of deporting them.

Writing in *National Review*, the syndicated columnist Michelle Malkin—author of the book *Invasion: How America Still Welcomes Terrorists, Criminals, and Other Foreign Menaces to Our Shores* (Regnery Gateway, 2002) and the first to break the story of Malvo's brush with the INS—charged that such "catch and release" decisions have "cost scores of American lives," now including the victims of the snipers. Pat Buchanan put it even more bluntly on Fox News: "Whoever turned him loose in the INS has got blood on his hands."

Never mind that, at the time of Malvo's detention, no one could have predicted that he would engage in homicidal violence. True, he lived in a homeless shelter with his Svengali-like "stepfather," John Allen Muhammad. But he was a clean-cut boy who attended school and had never been in trouble with the law. Blaming the INS for the sniper deaths makes no more sense than blaming a highway patrol officer who lets a motorist with an expired car registration get back behind the wheel if, five miles down the road, that motorist holds up a convenience store and kills the salesclerk.

Never mind, too, that while Malvo may have been the actual triggerman in most of the shootings, the U.S.-born Muhammad was clearly the mastermind. There is little doubt that Malvo, who apparently had a troubled relationship with his mother, wanted only to please the surrogate father he idolized. "There is a large pool of messed-up teenagers in the United States," points out Daniel Griswold, a trade and immigration analyst at the Cato Institute. "John Muhammad did not need to recruit an illegal immigrant to do what he did."

One could easily turn around and argue that the shootings could have been prevented if Malvo's mother, Uma James, had been free to seek the authorities' help in extricating her son from Muhammad's clutches. (In fact, it was her attempt to do so that led to the pair's arrest by the Border Patrol.)

Alas, the attempt to exploit Malvo's crime to advance an anti-immigrant agenda is all too typical of many conservatives' rhetoric since September 11 on immigration and terrorism.

It's understandable, of course, that a terrorist act committed by foreign nationals should raise concerns about national security and border control. But that doesn't mean the problem of terrorism should be conflated with that of illegal immigration.

The 19 hijackers who struck on September 11 all entered the U.S. legally as tourists or business travelers, although three of them had overstayed their visas. At the same time, not one of the millions of illegals who cross the border from Mexico or get smuggled in on cargo vessels from China has been implicated in terrorism. The most Malkin can muster for a terrorist connection is that two illegal immigrants, along with one legal permanent resident from El Sal-

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vador, helped four of the hijackers get the phony driver's licenses they used to get on the airplanes.

"It's true that the system is broken," says Tamar Jacoby, a senior fellow at the Manhattan Institute. "But the people who are exploiting these legitimate fears to cut back on immigration are going in the wrong direction. It sounds logical at first, but it's not realistic, it's not going to be enforceable, and ultimately it's not going to give us better security."

Indeed, a wholesale crackdown on illegal immigration could, by consuming scarce resources, hinder rather than help the effort to keep potential terrorists out of this country. "By some estimates," says Griswold, "we spend $3 billion a year trying to keep Mexican workers out of the United States. I'd much rather spend that money trying to keep out Middle Eastern terrorists."

Given the realities of the global economy and the U.S. labor market, the flow of migrants into this country will be a fact for the foreseeable future. Making legal entry easier for people who want to better their lot in life is a much more feasible solution than making entry "a fiercely guarded privilege," as Malkin suggests in *Invasion*. It is also, of course, far more feasible than the fantasy of deporting the 9 million to 11 million illegal immigrants who are already here.

Besides freeing up resources to target terrorists, such legalization would severely diminish the document fraud and smuggling that can in fact assist terrorists. An amnesty for illegal immigrants would bring people out of the shadows in which terror cells can lurk and make it safe for people with useful information about possible terrorists to cooperate with law enforcement. (Oddly, for all her concern about threats to national security, Malkin deplores Attorney General John Ashcroft's offer to grant U.S. citizenship to any alien, legal or illegal, who comes forward with tips that aid the investigation into the 9/11 attacks.)

Immigration hard-liners lament that businesses and local politicians oppose tough measures against illegal aliens, but they rarely stop to wonder if there are good reasons for this opposition. "Polls show that the public opinion is squeamish about immigration," says Jacoby, "but people are squeamish in the abstract. When it comes to their own lives and their local economy, they're not so squeamish."

Given the realities of the global economy and the U.S. labor market, the flow of migrants into this country will be a fact for the foreseeable future.

None of this is to say that we shouldn't try to weed out potential terrorists who come to our shores, or that political correctness never gets in the way of border control. Both Griswold and Jacoby favor targeted scrutiny of immigrants and visitors from countries with special links to terrorism—including the new Justice Department rules requiring visa holders from 20 countries, nearly all of them Arab and/or Muslim, to register with the INS.

Such profiling may smack of ethnic and religious prejudice, but unfortunately it also reflects reality. Forty-five of the 48 foreigners known to have committed or plotted terrorist acts in the U.S. since the first World Trade Center bombing in 1993 have been Middle Eastern Arabs.

Even so, profiling should be tempered with discretion. In December about 400 men who showed up for registration in Southern California were arrested for minor violations of immigration law. Many of these violations were unintended, due to slow INS paperwork on their applications for permanent residency or visa extensions.

All but 20 (whose names showed up in law enforcement records) were released within three days—but not until after considerable humiliation and discomfort. Such measures can only make aliens less likely to cooperate with the authorities.

It may be a cliché to say that radically altering our life in response to terrorism means letting the terrorists win. But it's also true, perhaps especially with regard to immigration—and not just because fully implementing the anti-immigrant agenda would cause our economy to collapse.

The openness, freedom, and plenitude that lead radical Islamists to hate America are precisely what draw so many people from around the world to live here. Among them, do not forget, were the hundreds of foreign nationals who were among those killed in the World Trade Center. ©

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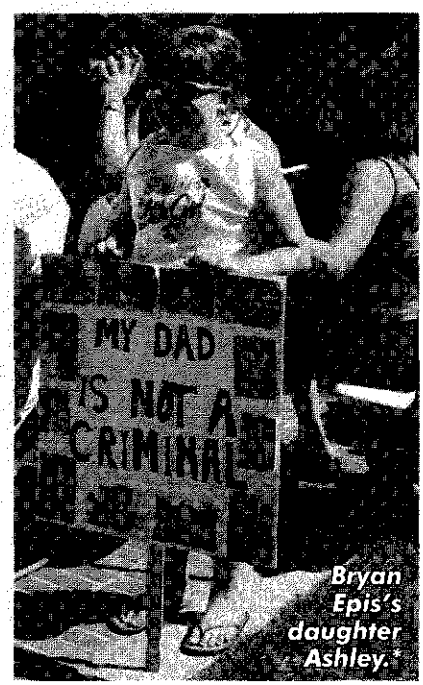
Will You Help Ashley and Her Dad?

Federal prosecutors won't permit court testimony concerning why marijuana was used, even though marijuana is permitted as medicine under the laws of California and eight other states.

And because juries have no way of knowing otherwise, Federal prosecutors accuse patients and good Samaritans of being "Drug King Pins."



Bryan Epis's daughter Ashley.*

How can judges and jurors dispense "justice and mercy" without relevant information?

According to a TIME / CNN poll, 80% of Americans approve of medical marijuana.

Please urge Attorney General Ashcroft to permit the presentation of all of the evidence. And ask your congressman and senators to pass a law preventing future concealment.

Will You Act?

* Bryan Epis was sentenced to ten years. The story the jury did not hear: In 1983, while in high school, Bryan was a passenger in a car that hit a telephone pole. The car decelerated from 35 mph to 0 in 20 milliseconds. Bryan had lacerations all over his body, 15 inches of lacerations in his skull, his sternum was fractured and two ribs were broken. The T2 and T3 vertebrae suffered compression fractures. The surgery just to stitch his head together lasted 2½ hours. He was in a coma for two days, and intensive care for three days. The surgeon said he was lucky not to be a vegetable or dead. Bryan began two years of physical therapy. He was told that the compression fractures would never heal, and they haven't. He suffers from chronic pain. He was prescribed heavy narcotic and narcotic derivative drugs, codeine and Vicodin for the pain. In 1983, his orthopedic surgeon recommended marijuana as a drug that could relieve pain better than the narcotics. Bryan used cannabis from 1983 to 1997. Using marijuana in combination with exercise, he reduced the pain level from level 10 to level 1. While using cannabis in his treatment, he finished high school; finished the grueling program for a Bachelor of Science degree in Electrical Engineering from California State University at Chico in May 1991 (only 1 in 5 who enter the program graduate); and finished law school at California Northern School of Law in May 1998. Bryan's explanation for growing the marijuana was that he needed it to alleviate his pain and to help other seriously ill patients.

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Amphetamine Psychosis

A delirious take on the latest "new drug of choice"

TIME WAS THAT connoisseurs of drug war propaganda contented themselves with fare such as *Reefer Madness*, *Dragnet* reruns featuring acid-eating hippies, and health class films such as 1968's *Marijuana*, a Just Say No sermonette featuring a curiously red-eyed Sonny Bono.

Now you can cop a fix just by picking up *Rolling Stone*, the self-styled countercultural institution that once upon a time showcased the pharmaceutically fueled writings of America's premier pill popper, Hunter S. Thompson. *Rolling Stone*'s January 23 issue featured the story "Plague in the Heartland," by Paul Solotaroff, the latest entry in a dubious but endlessly rewritten journalistic genre known as the "new drug of choice" story. Depending on the moment, the drug under scrutiny can be marijuana, or cocaine, or heroin, or turpentine, or Ecstasy, or PCP—better known to anyone who ever sat through a Quinn Martin Production as "angel dust." This week's special guest villain? Methamphetamine, a.k.a. "crystal meth" and "crank."

All the cliches of the form are on display in "Plague in the Heartland," worn down every bit as smooth as the teeth of a longtime meth fiend. Summary claims to ubiquity, hyperaddictiveness, and national crisis? "Cheap, easy to *make* and *instantly* addictive, crystal meth is burning a hole through rural America," avers the story's subtitle. Hyperbolic claims of uniquely intoxicating effects? "The chemical equivalent of ten orgasms at once," swears a doctor. The revelation that this crisis is really about—egad!—the white middle class? "These aren't no-tooth yokels from trailer parks," reports the police chief of Granite Falls, Washington, where the story is mostly set. "They're kids whose moms and dads work at Boeing."

Exoticized, sinister dealers who don't care about the effects of what they're selling and who wrap themselves in the Constitution to boot? Solotaroff, with a police guard, walks up to a notorious meth-cooking site and interrogates a white-trash specimen who is equal parts *Deliverance* technical consultant and ZZ Top roadie: "He has broad logger's shoulders, a chest-length beard and eyes that dart from side to side, pulsing in their sockets." After being accused of manufacturing meth, the freak indignantly produces a glass pipe and thunders: "You see this? I made this. I'm an American citizen who makes pipes....As for what people smoke in them, that's their deal. Their right as American citizens!"

Then there are the uncorroborated tales of horrible deeds done while high. "Plague in the Heartland" adds two new chapters to that infinite anthology, which already boasts such classic hoaxes as the college kids so whacked on LSD that they went blind staring at the sun and the wigged-out babysitters who cooked infants. Via the police chief, we learn of "the tweakers (as meth users are known) who clubbed to death seventeen newborn calves" and "the boy, high out of his mind, who fancied his thick skull bulletproof and blew much of it off with a .25."

And finally, there's the omission that fully seals the deal: actual hard evidence of increasing and widespread use, as opposed to increased police activity and a spike in emergency room admissions "linked" to the drug (a measure that is notoriously subjective and ambiguous).

The latest stats released by federal drug warriors—who have every reason to exaggerate the use and abuse of drugs, since the bigger the crisis, the bigger their budget—tell a far less incendiary tale about meth use. Data from the 2001 National Household Survey on Drug Abuse indicate that a whopping 0.6 percent of Americans 12 years and older had done meth in the previous year; past-month use came in at 0.3 percent. Those figures were virtually unchanged from 2000. In "nonmetro" counties, past-month use of all drugs was 5.8% in 2001, up from 5.1% in 2000.

If anything, those numbers tell the sort of story that you used to expect from *Rolling Stone*, the one about how drug warriors co-opt the media and blame the mayhem surrounding the illegal drug trade on a substance's mythically evil attributes rather than its black-market status. ■

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Disarming History

How an award-winning scholar twisted the truth about America's gun culture—and almost got away with it.

Joyce Lee Malcolm

"Real historical writers probe factual uncertainties, but they do not invent convenient facts and they do not ignore inconvenient facts. People are entitled to their own opinions, but not to their own facts."
—William Kelleher Storey, *Writing History*

When the *Playboy* interview with Michael Bellesiles appeared in January 2001, the Emory University history professor was riding high. He was basking in the heady glow of rave reviews and a media blitz hailing his book, *Arming America: The Origins of a National Gun Culture*, as a "tour de force" that "changes everything." Bellesiles claimed to have discovered that, contrary to accepted opinion, guns were scarce in early America and Americans were uninterested in owning them. "The notion that a well-armed public buttressed the American dream," he assured readers, "would have appeared harebrained to most Americans before the Civil War." It was all an "invented tradition," with historians joining "actively in the mythmaking." Reviewers of *Arming America* were quick to point out the "inescapable policy implications."

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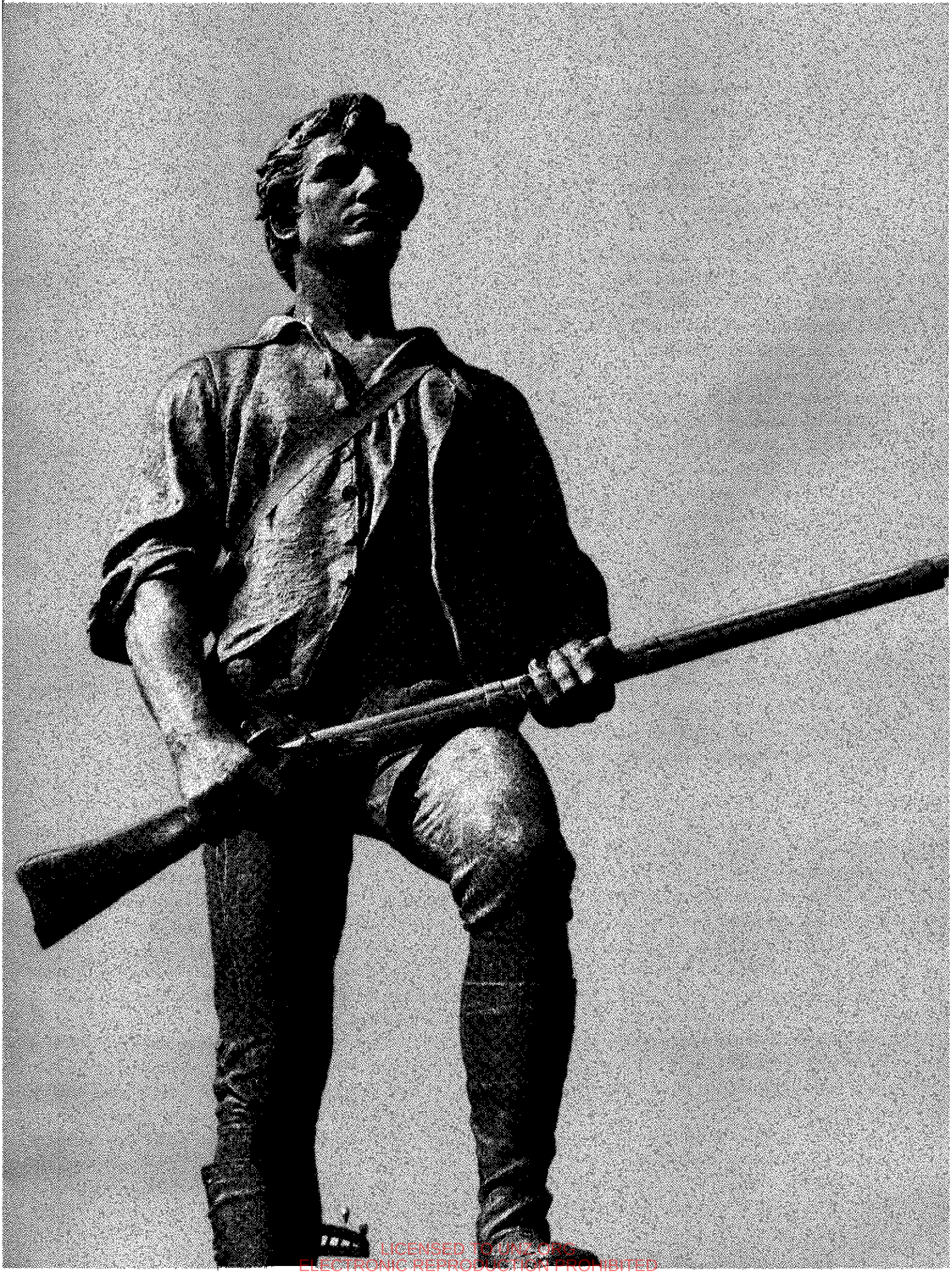

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The *Playboy* interview ended with Bellesiles' challenge to the powerful gun lobby: "As for the NRA [National Rifle Association], when anyone talks about the history of guns in America, they're going to have to give me evidence—facts, not folktales." Three months later, despite growing skepticism, *Arming America* was awarded Columbia University's prestigious Bancroft Prize for the best work of American history published in 2000. It seemed the question of what was fact, what fiction, had been settled.

Bellesiles had flung his challenge at a political organization, but unfortunately for him it was the scholarly community that picked it up. The evidence he had presented for his groundbreaking theory was investigated first by experts from a range of disciplines and political viewpoints; then by a special symposium in a learned journal; and finally, as a result of the disturbing findings, by the professor's university and an outside panel of scholars that it appointed. The results are now in: Bellesiles' arguments are based on wholesale misuse of evidence and, in some cases, no evidence at all. The "invented tradition" is fact, the professor's version a folk tale.

The same month that *Playboy* published its interview with Bellesiles, my review of *Arming America* appeared in **reason**, one of the first publications to expose his errors. (See "Concealed Weapons," January 2001.) It formed part of what was to swell into an astonishing stream of revelations, most of which were immediately branded by Bellesiles and his supporters as politically motivated or trivial. Scholars and reporters who asked about Bellesiles' sources were treated to continually changing stories about where his research was conducted and the locations of his materials. Their inquiries were greeted, by turns, with injured innocence or vicious invective. Bellesiles had, he said, accidently stepped "into a minefield."

Bellesiles maintains that his book has been subjected to unfair, unprecedented scrutiny. The problem, he told a British reporter last spring, is that there are "some topics which perhaps should not be addressed," that "this is a dangerous environment [in which] to talk about firearms." While Bellesiles admits to some errors in a handful of paragraphs, his response to the unfavorable report of Emory's investigative committee insists, "The overwhelming bulk of the evidence in support of this book's thesis remains unchallenged."

As we'll see, not only have virtually all aspects of his work been "challenged," but Bellesiles' critics have discovered wholesale and systematic misrepresentation of the historical evidence. If anything can be learned from this extraordinary episode, in which one of the most extravagantly praised scholarly books in many years has been exposed as one of the most fraudulent, it is the importance of maintaining rigorous intellectual standards even when they work against one's political preferences.

Scholarly Scandals

Before we consider the bizarre twists and turns of the Bellesiles saga, the case should be put in context. Although the *Arming America* story ranks as the worst scandal to hit the American historical profession in recent memory, while it was unfolding three distinguished historians were exposed for dishonesty of one sort or another.

First came Joseph Ellis, professor of history at Mount Holyoke College in Massachusetts, winner of the National Book Award for his biography of Thomas Jefferson and of a Pulitzer Prize for *Founding Brothers: The Revolutionary Generation*. In Ellis' case the integrity of his scholarship was not in question. Instead it was the stories of his experiences in the Vietnam War with which he regaled his students that proved his undoing. In June 2001 *The Boston Globe* revealed that Ellis' actual military experience consisted of ROTC at William and Mary College and teaching history at the U.S. Military Academy at West Point. Although he claimed to have served in Gen. William Westmoreland's Vietnam headquarters and as leader of a platoon that passed near My Lai shortly before the 1968 massacre there, military records show that he never left the East Coast. In August 2001, as critics began to find more and more discrepancies in Bellesiles' work, Ellis was suspended for a year without pay.

In January 2002 it was the turn of Stephen Ambrose, the best-selling author, co-author, or editor of an astonishing 35 books over some 40 years. The first revelation was that his latest book, *The Wild Blue*, contained extensive text from the work of others. *Forbes.com* writer Mark Lewis discovered that *The Wild Blue* contained passages from at least nine of the 28 books cited in the endnotes. These nine were the only books of the group that Lewis was able to check, but he posited that if a similar pattern were found in the other 19 books, "That would leave Ambrose open to the charge that he did not write *Wild Blue* so much as edit it."

Next, passages copied from the work of other scholars were found in five of Ambrose's other books. Ambrose remained unrepentant, insisting until his recent death that he had done nothing wrong, since he had acknowledged the various authors in his notes. Nevertheless, he presented their prose as his own, a clear case of plagiarism as the

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academy defines it and as every college freshman is expected to understand it. Some commentators have attributed Ambrose's copying to the pressure to churn out new books once his work began earning millions for himself and his publisher. With a small army of his children enlisted as research assistants, Ambrose & Co. had become something of a cottage industry. Yet similar "borrowing" has been found in books written before the historian's career took off, even as early as 1970. For 30 years Ambrose had gotten away with plagiarism. Whoever originally wrote the text, Ambrose's books continue to be sold under his name, earning money for his estate and his publisher, Simon and Schuster.

The results are in: Michael Bellesiles' arguments are based on wholesale misuse of evidence and, in some cases, no evidence at all. *Arming America* repeatedly twists the truth to fit Bellesiles' thesis.

That same January, Doris Kearns Goodwin, author of successful biographies of Lyndon Johnson, various Kennedys, and Franklin and Eleanor Roosevelt, television regular and Harvard overseer, was found to have taken numerous passages in her 1987 book *The Fitzgeralds* from a book by Lynne McTaggart on Kathleen Kennedy. McTaggert had accepted a settlement from Kearns Goodwin and her publisher years before. Kearns Goodwin blamed the problem on sloppy note taking. She claimed she couldn't tell which of her handwritten notes were her own prose, which copied verbatim from her sources. To her credit, she never argued that copying was legitimate. She asked her publisher, also Simon and Schuster, to destroy its copies of the book and to publish a corrected edition, and she set her researchers to work combing the text for "borrowed" passages.

Kearns Goodwin, like Ambrose, has had defenders. In March 2002 she discussed her confusion over her notes in an address at the College of St. Catherine in Minnesota, and afterward the audience gave her a standing ovation. But a week later *The Harvard Crimson* called for her to resign as a Harvard overseer. An editorial on the front page of the student newspaper cited Harvard policy: "For students who have committed plagiarism any letter of recommendation written for or on behalf of Harvard College—including letters to graduate schools, law schools, and medical schools—will report that you were required to withdraw for academic dishonesty." "Why then," the editorial asked, "should an adult, much less a professional historian, continue in her position in the University without consequence?" There have been consequences. Kearns Goodwin is on leave from her post at PBS's *The News Hour With Jim Lehrer*, invitations for speaking engagements were withdrawn, and she has resigned from the Pulitzer Prize board (though she has been welcomed back to *Meet the Press* as an occasional commentator).

The cases of Ellis, Ambrose, and Kearns Goodwin are instances in which our most honored historians failed to live up to professional standards. Ellis' infraction seems to me the least serious. His scholarly work remains unquestioned, although personal integrity is expected in teaching no less than in scholarship. Kearns Goodwin plagiarized and is paying the penalty. Ambrose, by contrast, was guilty of wholesale plagiarism and was unrepentant. He made a fortune from the hard work of other scholars. Either his books should be removed from sale, or the actual writers should be compensated from the proceeds. But Michael Bellesiles' unprofessional conduct is of a much deeper dye than these. At least the plagiarized works presumably were accurate representations of the past.

Concealed Weapons

Arming America, by contrast, repeatedly twists the truth to fit Bellesiles' thesis. Bellesiles begins with the European legacy of gun use, especially in England, where, he informs readers, the government "outlawed the use of guns by commoners." Such a policy might seem improbable once muskets were adopted for use by the English militia, which meant that large numbers of commoners must have had and used guns. But Bellesiles writes that the use of guns outside military practice was discouraged "and even forbidden," and that "all guns used by the militia were stored in government magazines."

Throughout the book, Bellesiles equates the presence of guns with violent crime, and he contends that what little violence did occur in England tended to take place "at public festivals, often between competing teams of Morris dancers." Bellesiles' assertion that these charming, white-costumed folk dancers, sporting bells at their knees, were responsible for most of the era's violence struck one British historian as Monty Pythonesque. The article in the English Bill of Rights of 1689 guaranteeing to English Protestants—then 90 percent of the population—"arms for

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their defence, suitable to their condition and as allowed by law," is spun by Bellesiles into proof the government "preferred to maintain tight control of guns."

From start to finish the records tell a different story: of widespread gun use by all classes, from nobles to laborers; laws exhorting men to practice with muskets; militia guns kept in the owners' homes; highways filled with robbers brandishing pistols; and, after 1689, a right to be armed for personal defense that English courts in the 18th century saw as belonging to all Protestants, and in the 19th century to all Englishmen.

On to America, where Bellesiles finds guns rare, expensive, highly regulated, inefficient, unwanted by civilians, and nearly useless for military purposes or hunting. He reports that colonists "often perceived the ax as the equal of a gun" and that there was a "complete failure" on their part to care for guns "or to learn their proper use." As a result of popular indifference and neglect, he says, all guns were made into "the property of the state, subject to storage in central storehouses," so thoroughly regulated that "no gun ever belonged unqualifiedly to an individual." As for hunting with guns, Bellesiles writes, "From the start hunting was an inessential luxury, associated either with the elite gentleman with too much time on his hands, or with the poorest fringes of civilization, if not outright savagery." Bellesiles dismisses the militia, which most historians acknowledge was not up to the standards of professional troops, as "little more than a political gesture," most members having no usable guns.

What is his evidence for these startling conclusions? To document the scarcity of guns, Bellesiles relies on his tabulation of 11,170 estate inventories from 40 counties over the years 1765 to 1859. From these he calculates that in colonial America 14.7 percent of adult white men owned firearms, 53 percent of which were either old or broken. On the frontier, he finds, only 14.2 percent of men owned guns. Not until 1849 to 1859, Bellesiles reports, did the percentages of households with guns increase, largely due to the successful advertising of Samuel Colt. For proof that guns were not used in hunting, he relies on a survey of some 80 travel accounts written between 1750 and 1860. His portrayal of the militia draws on an investigation of government records, letters, and other documents.

The Story Unravels

Here are some snapshots from the unraveling of *Arming America*:

Fall 2000. Even before the book is in print, having read both Bellesiles' 1996 article that formed the core of the book and advance press coverage, Northwestern University law professor James Lindgren asks to see Bellesiles' probate database. Bellesiles tells him there is no database, only yellow legal pads on which he made pencil ticks representing guns listed in the probate records. Unfortunately, Bellesiles reports, the pads were irreparably damaged in a May 2000 flood at Emory University.

As the book becomes available, scholars find serious mistakes in their own areas of expertise. I find English and colonial facts wrong. Clayton Cramer, the author of two books on gun history, finds extensive evidence of hunting with guns even in the accounts Bellesiles says he read. Discrepancies emerge in the book's claims about low homicide rates, the militia's preparedness, the range and reloading time of muskets, the supposed preference of Americans for the ax over the gun, laws requiring militia guns to be housed in government arsenals, and comments of the Founders.

Readers point out that *Arming America* lacks *any* specific information about the 11,170 probates examined, how many there were from any one county or any one time period, where Bellesiles examined them, and how he computed the national averages. Lindgren (a specialist in early American probates), Justin Heather, and other scholars eventually discover that Bellesiles' computations are mathematically impossible. To obtain his national gun ownership average of 14.7 percent, for example, the number of probates from frontier counties would have had to be improbably large.

The archivists at the federal archives in East Point, Georgia, where Bellesiles told Lindgren he did most of the probate work, insist they never had the probate records. Bellesiles changes his story, saying he crisscrossed the country for 10 years visiting individual county archives. He can't remember precisely which ones.

October and November 2000. Scholars examining the only set of probate records Bellesiles specifically cited, those for Providence, Rhode Island, find that nearly everything he says about them is mistaken. Bellesiles claimed the 186 inventories from early Providence were "all for property-owning adult males" and that, while guns appeared in 48 percent, more than half of them were "evaluated as old and of poor quality" and many were "state-owned." But three independent scholars find 17 of the estates were owned by women, 62 percent had guns, only 9 percent of the guns were described as old and of poor quality, and only one was state-owned.

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December 2000. As debates about *Arming America* rage on discussion boards, Bellesiles claims he is getting threatening e-mails. He retreats from online debates and gets a secret e-mail address.

May and June 2001. In response to Bellesiles' claims that he has received death threats and that a fire was set against his office door, the governing councils of the American Historical Association, the Omohundro Institute of Early American History and Culture, and other organizations post resolutions condemning such harassment and defending civil exchange.

Many early reviewers seemed so eager to extol *Arming America* that they suspended their critical faculties—either that, or they were taken in by the trappings of scholarship or the wild approval of others they trusted.

September 2001. One of the 40 counties from which Bellesiles said he drew data on gun ownership was San Francisco, where he claimed to have examined 1850s probates at the Superior Court. In response to inquiries from *National Review*'s Melissa Seckora, the court's archivist reports that all 19th-century documents were destroyed in the great earthquake and fire of 1906. When questioned about this, Bellesiles says he must have seen these documents somewhere else, suggesting several other California libraries. None of them has the records either.

To support his contentions about the poor quality of guns, Bellesiles began posting on his Web site Vermont probate records listing guns described as old and broken. A scholar and a *Boston Globe* reporter examine the originals and find no such descriptions. Told of this, Bellesiles claims his Web site must have been hacked by someone who altered the documents. Emory University investigates but finds no evidence of hacking.

November 2001. In an unprecedented move, Emory demands that Bellesiles offer a "reasoned, measured, detailed, point-by-point response" to his critics. His reply, published by the Organization of American Historians in its online newsletter, instead complains of his ill treatment while addressing little of substance. Oddly, the reply refers to only 12 probates from San Francisco, in contrast to the "few hundred" he claimed to have examined when Seckora interviewed him.

January 2002. Bellesiles claims to have found the missing San Francisco probates at the Contra Costa County Historical Archive. He sends copies of these documents to reporters. The Contra Costa archivists point out that not one of these documents is from a San Francisco estate. Furthermore, they have no record that Bellesiles ever visited the collection prior to 2002.

The January 2002 issue of *The William and Mary Quarterly* carries a symposium in which three of the four scholars asked to examine *Arming America*, Gloria Main, Ira Gruber, and Randolph Roth, cite gross error and misuse of sources. Main, a professor of history at the University of Colorado at Boulder, finds Bellesiles' claim that probate inventories were complete "incredible." She says the amazing difference between Bellesiles' low figure for gun ownership in Maryland, 7 percent, and hers, 76 percent, "boggles the mind." Gruber, a professor of history at Rice University, concludes Bellesiles worked "to minimize the importance of guns, militia, and war in early America" using "a consistently biased reading of sources" and "careless uses of evidence and context." Roth, a professor of history at Ohio State University, finds Bellesiles' homicide information is "misleading or wrong" in every instance.

February 2002. Emory launches an internal review, later followed by appointment of an external panel to examine Bellesiles' work. By this point nearly all of Bellesiles' early boosters have gone silent.

The Victim Pose

Contrary to Bellesiles' pretense that he accidentally stepped into a political minefield, the introduction to *Arming America* is intentionally polemical. The book opens with a description of a toddler featured on the cover of *Time* magazine "dressed in camouflage and clutching a high-powered rifle." Despite a religious upbringing, the boy at age 11 joined a 13-year-old friend in shooting children at his Arkansas school. Bellesiles comments, "The temptation of a gun can trump a claim of faith in God and all dreams of childhood innocence."

The gun control movement's need for supportive scholarship is what gave *Arming America* so much visibility. *The New York Times* heralded Bellesiles' results five months before publication, although the reporter who lauded its findings complained to me that he had not even been able to see the galleys. Many early reviewers seemed so eager to extol the book that they suspended their critical facul-

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ties—either that, or they were taken in by the trappings of scholarship or the wild approval of others they trusted. Politics propelled the book to dizzying heights.

But when critics began to point out the book's obvious flaws, Bellesiles, his publisher, and his supporters dismissed the criticisms as politically motivated. Columbia University's Bancroft Committee apparently did not bother to read the critical reviews before awarding *Arming America* the nation's most prestigious prize in American history. (In December, the trustees of Columbia University finally voted to rescind the honor, the first time they have had to take such action in the more than 50 years of the award's history. They have also asked that the $4,000 in prize money be returned.) We early critics were confronted with Bellesiles' complaints about hate mail and death threats, tales that prompted professional historical organizations to leap to his defense. To challenge Bellesiles' work was to risk being lumped together with "gun nuts" and extremists.

Bellesiles wrapped himself in the mantle of victimhood. But occasionally it slipped, and a different persona peered out. In an essay in the *Chicago-Kent Law Review* the year *Arming America* appeared, he portrayed scholars who found evidence of an individual right to be armed as "post-modernists" for whom "facts do not matter," partisans uninterested in "the hard and time-consuming task of archival research." He warned that "the next stop is Holocaust denial." When Clayton Cramer, an amateur historian, questioned some of Bellesiles' evidence in a polite letter to *The Chronicle of Higher Education*, Bellesiles lashed out: "Clayton Cramer hates my research and has for some time....It is not my intention to give an introductory history lesson, but as a nonhistorian, Mr. Cramer may not appreciate that historians do not just chronicle the past."

In June 2002, when the soundness of his scholarship had become so suspect that the National Endowment for the Humanities stripped its name from his Newberry Library fellowship, Bellesiles told a British reporter that the move "reawakened the ghosts of McCarthyism." He described it as a "political decision that should send chills through academics everywhere and is clearly intended as a warning to any scholar who dares to work on a controversial topic."

Closure of a sort came on October 25, 2002, with the report of three distinguished historians—Stanley Katz of Princeton University, Hanna Gray of the University of Chicago, and Laurel Thatcher Ulrich of Harvard—charged by Emory University to investigate Bellesiles' use of probate records and militia counts. Their mission was surprisingly narrow, given all the doubts that had been raised about the veracity of Bellesiles' work. But they agreed that "the best that can be said of his work with the probate and militia records is that he is guilty of unprofessional and misleading work. Every aspect of his work in the probate records is deeply flawed."

The panelists found evaluating the table in which Bellesiles charted his probate findings "an exercise in frustration because it is almost impossible to tell where Bellesiles got his information." They reported that "we had the same question as Gloria Main [in her *William and Mary Quarterly* article]: 'Did no editors or referees ever ask that he supply this basic information?'" They found "egregious misrepresentation" in the construction of that table and evidence of "falsification" in, among other flaws, Bellesiles' silent omission of the years 1774–76 "precisely because they failed to show low numbers of guns." Applying Emory University's guidelines, the committee concluded there were "other serious deviations 'from accepted practices in carrying out or reporting results from research.'"

The committee members deemed Bellesiles' work with militia records "superficial and thesis-driven." They agreed with Ira Gruber, another of the scholars in the *William and Mary Quarterly* symposium, that Bellesiles' "efforts to minimize the importance of guns, militia, and war in early America...founder on a consistently biased reading of sources and on careless uses of evidence and context." Finally, they concluded that his professional scholarship "falls short" on every count and that "his scholarly integrity is seriously in question."

But there were two problems with the committee's charge that Bellesiles has been quick to capitalize on. First, it was to investigate only the use of probate and militia records, despite evidence that he misused many other sources. Second, the Emory standard that "intentional fabrication or falsification of research data" be found, a standard devised with the sciences in mind, was unrealistic, since much that was intentional could be written off as extreme bias or sloppy method. Hence, although the three scholars could not find that Bellesiles' use of Vermont and Providence probates constituted "intentional fabrication or falsification," they were "seriously troubled by his scholarly conduct" and "sloppy scholarship," which "does not prove a deliberate attempt to mislead, however misleading the result." Even in the case of the nonexistent San Francisco data, they could not "prove" he "simply invented his California research, but neither do we have confidence that the

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Contra Costa inventories resolve the problem." Only in the case of the key probate table did they conclude there was deliberate falsification.

The Bellesiles case underlines how essential it is that historians take their critical role seriously and always place it before their political inclinations. Our professional integrity demands it.

Trust, but Verify

Bellesiles resigned from his position at Emory after the report was issued, saying he could not "continue to teach in what I feel is a hostile environment," but he nonetheless has tried to minimize the significance of the committee's conclusions. "Obviously," Bellesiles told a reporter for the *Chicago Tribune*, "they were very angry at me." As for his mathematically impossible statistics, he shrugged, "I've never been good at math." In any event, he informed the *Tribune*, he wrote a book with 1,347 footnotes, and the panel found problems with only five of them.

Yet it clearly is not true that the essence of the book remains "unchallenged," as Bellesiles claimed in his response to the committee. Virtually every aspect of it —including his conclusions about English weapon use, hunting, axes vs. guns, homicide rates, and the inefficiency of firearms—has been shown to rely on faulty, at times nonexistent, evidence and biased research. This is a matter of fact, not interpretation, as Bellesiles would have it. Scholars should waste no more time on this discredited volume.

Checking footnotes is tedious, and everyone makes some mistakes in the course of a long, detailed work. But experts in a field, asked to review a manuscript, can ferret out those few monographs where the errors are wholesale and the facts misrepresented. The Bellesiles case underlines how essential it is that historians take their critical role seriously and always place it before their political inclinations. Our professional integrity demands it.

Indeed, Bellesiles' rise and fall demonstrate how damaging to any cause a dishonest work of scholarship can ultimately be. Haverford College historian Roger Lane, a gun control supporter who gave *Arming America* a laudatory review, now writes of Bellesiles: "I'm mad at the guy. He suckered me. It's entirely clear to me that he's made up a lot of these records. He's betrayed us. He's betrayed the cause."

University presses and other academic publishers routinely put scholarly works through a rigorous peer review. But that is not necessarily true of commercial publishers. They must be more scrupulous before foisting on the public a clever piece of fiction disguised as a work of history. And when a book proves to have been unscholarly, or plagiarized, it should be withdrawn. Knopf, to its credit, in January decided to stop selling *Arming America*. But Simon and Schuster still publishes Ambrose's plagiarized works.

The news media also play a key role. *The New York Times* and many other news outlets heralded *Arming America*, while their bias in favor of gun control has led them to ignore scholarly books uncongenial to the cause. In this instance most of the press ignored, or dismissed as politically motivated, growing skepticism about Bellesiles' evidence. The slowness of scholarly journals to review books makes the general press all the more essential if the public is to be alerted that something is amiss. Four reporters deserve special thanks for bringing out the facts: Kimberley Strassel of *The Wall Street Journal*, Melissa Seckora of *National Review*, David Mehegan of *The Boston Globe*, and David Skinner of *The Weekly Standard*. Thanks are also due Stacy McCain of *The Washington Times* and Robert Worth of *The New York Times*.

Those who wonder how Bellesiles thought he could get away with this forget that he nearly did. The book won a major prize. Court opinions began citing his findings. He told a reporter his only regret was that he delayed fighting back, that "for too long I thought this was only a tempest in a footnote."

All those scholars and reporters from across the political spectrum whose exhaustive investigative work exposed *Arming America* for the high-stakes fraud that it was deserve the gratitude of the historical profession and the American people. Scholarship relies on trust, and sometimes that trust is misplaced. ▪

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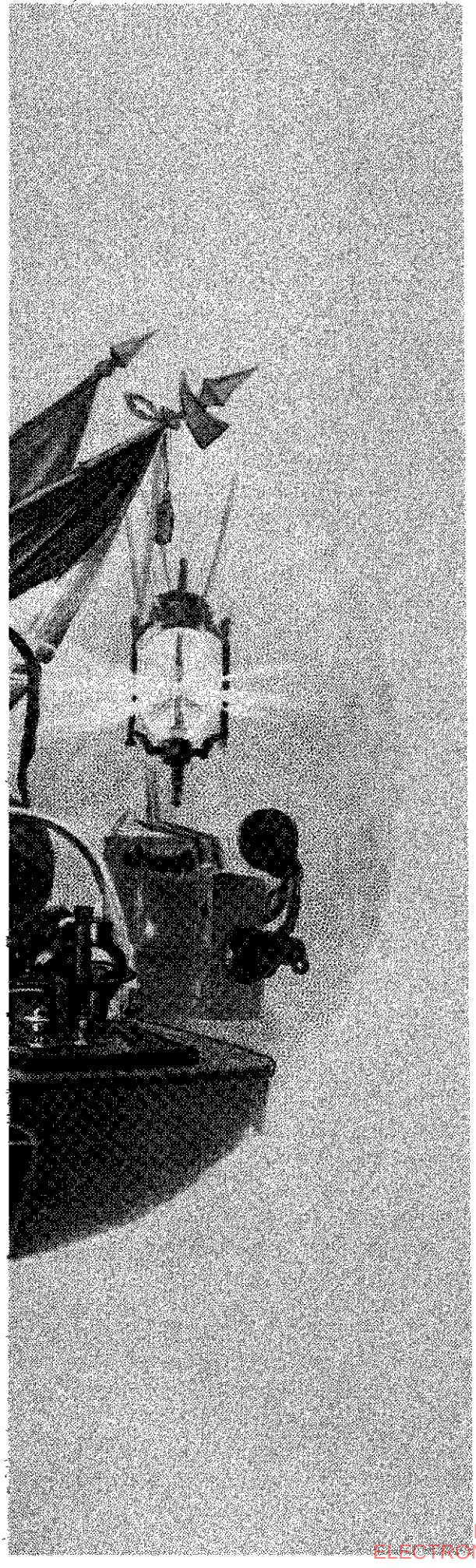

Creation Myths

Does innovation require intellectual property rights?

Douglas Clement

THE MOST FORCEFUL performance at last year's Grammy ceremony was a speech by Michael Greene, then president of the National Academy of Recording Arts and Sciences. Speaking not long after the 9/11 attacks, Greene gravely warned of a worldwide threat—"pervasive, out of control, and oh so criminal"—and implored his audience to "embrace this life-and-death issue."

Greene was not referring to international terrorism. "The most insidious virus in our midst," he said sternly, "is the illegal downloading of music on the Net."

Greene's sermon may have been a bit overwrought, but he's not alone in his fears. During the last decade, the captains of many industries—music, movies, publishing, software, pharmaceuticals—have railed against the "piracy" of their profits. Copyright and patent protections have been breached by new technologies that quickly copy and distribute their products to mass markets. And as quickly as a producer figures a way to encrypt a DVD or software program to prevent duplication, some hacker in Seattle, Reykjavik, or Manila figures a way around it.

The music industry has tried to squelch the threat, most conspicuously by suing Napster, the wildly popular Internet service that matched patrons with the songs they wanted, allowing them to download digital music files without charge. Napster lost the lawsuit and was liquidated, while similar services survive.

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But the struggle over Napster-like services has accented a much broader issue: How does an economy best promote innovation? Do patents and copyrights nurture or stifle it? Have we gone too far in protecting intellectual property?

In a paper that has gained wide attention (and caught serious flak) for challenging the conventional wisdom, economists Michele Boldrin and David K. Levine answer the final question with a resounding *yes*. Copyrights, patents, and similar government-granted rights serve only to reinforce monopoly control, with its attendant damages of inefficiently high prices, low quantities, and stifled future innovation, they write in "Perfectly Competitive Innovation," a report published by the Federal Reserve Bank of Minneapolis. More to the point, they argue, economic theory shows that perfectly competitive markets are entirely capable of rewarding (and thereby stimulating) innovation, making copyrights and patents superfluous and wasteful.

Reactions to the paper have been mixed. Robert Solow, the MIT economist who won a Nobel Prize in 1987 for his work on growth theory, wrote Boldrin and Levine a letter calling the paper "an eye-opener" and making suggestions for further refinements. Danny Quah of the London School of Economics calls their analysis "an important and profound development" that "seeks to overturn nearly half a century of formal economic thinking on intellectual property." But UCLA economist Benjamin Klein finds their work "unrealistic," and Paul Romer, a Stanford economist whose path-breaking development of new growth theory is the focus of much of Boldrin and Levine's critique, considers their logic flawed and their assumptions implausible.

"We're not claiming to have invented anything new, really," says Boldrin. "We're recognizing something that we think has been around ever since there has been innovation. In fact, patents and copyrights are a very recent distortion." Even so, they're working against a well-established conventional wisdom that has sanctioned if not embraced intellectual property rights, and theirs is a decidedly uphill battle.

The Conventional Wisdom

In the 1950s Solow showed that technological change was a primary source of economic growth, but his models treated that change as a given determined by elements beyond pure economic forces. In the 1960s Kenneth Arrow, Karl Shell, and William Nordhaus analyzed the relationship between markets and technological change. They concluded that free markets might fail to bring about optimal levels of innovation.

In a landmark 1962 article, Arrow gave three reasons why perfect competition might fail to allocate resources optimally in the case of invention. "We expect a free enterprise economy to underinvest in invention and research (as compared with an ideal)," he wrote, "because it is risky, because the product can be appropriated only to a limited extent, and because of increasing returns in use."

Risk does seem a clear roadblock to investment in technological change. Will all the hours and dollars spent on research and development result in a profitable product? Is the payoff worth the risk? The uncertainty of success diminishes the desire to try. Much of Arrow's article examines economic means of dealing with uncertainty, none of them completely successful.

The second problem, what economists call inappropriability, is the divergence between social and private benefit—in this case, the difference between the benefit society would reap from an invention and the benefit reaped by the inventor. Will I try to invent the wheel if all humanity would benefit immeasurably from my invention but I'd get only $1,000? Maybe not. Property rights, well-defined, help address the issue.

The third obstacle is indivisibility. The problem here is that the act of invention involves a substantial upfront expenditure (of time or money) before a single unit of the song, formula, or book exists. But thereafter, copies can be made at a fraction of the cost. Such indivisibilities result in dramatically increasing returns to scale: If a $1 million investment in research and development results in just one unit of an invention, the prototype, a $2 million expenditure could result in the prototype plus thousands or millions of duplicates.

This is a great problem to have, but perfect competition doesn't deal well with increasing returns to scale. With free markets and no barriers to entry, products are priced at their marginal cost (that is, the cost of the latest copy), and that price simply won't cover the huge initial outlay—that is, the large indivisibility that is

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necessary to create the prototype. Inventors will have no financial incentive for bringing their inventions to reality, and society will be denied the benefits.

Increasing returns therefore seem to argue for some form of monopoly, and in the late 1970s Joseph Stiglitz and Avinash Dixit developed a growth model of monopolistic competition—that is, limited competition with increasing returns to scale. It's a model in which many firms compete in a given market but none is strictly a price taker. (In other words, each has some ability to restrict output and raise prices, like a monopolist.) It's a growth model, in other words, without perfect competition. The Dixit-Stiglitz model is widely used today, with the underlying assumption that economic growth requires technological change, which implies increasing returns, which means imperfect competition.

Stanford's Paul Romer formalized much of this work in the 1980s and 1990s, in what he called a theory of endogenous growth. The idea was that technological change—innovation—should be modeled as part of an economy, not outside it as Solow had done. The policy implication was that economic variables, such as interest and tax rates, as well as subsidies for research and technical education, could influence the rate of innovation. (See "Post-Scarcity Prophet," December 2001.)

Romer refined the ideas of Arrow and others, developing new terms, integrating the economics of innovation and extending the Dixit-Stiglitz growth model into what he called "new growth theory." In a parallel track, Robert Lucas, a Nobel laureate at the University of Chicago, elucidated the importance of human capital to economic growth. And just prior to all this growth theory work, Paul Krugman, Elhanan Helpman, and others integrated increasing returns theory with international trade economics, creating "new trade theory." Similar theories became the bedrock of industrial organization economics.

Central to Romer's theory is the idea of nonrivalry, a property he considers inherent to invention, designs, and other forms of intellectual creation. "A purely nonrival good," he wrote, "has the property that its use by one firm or person in no way limits its use by another." A formula, for example, can be used simultaneously and equally by 100 people, whereas a wrench cannot.

Nonrivalrous goods are inherently subject to increasing returns to scale, says Romer. "Developing new and better instructions is equivalent to incurring a fixed cost," he wrote. "Once the cost of creating a new set of instructions has been incurred, the instructions can be used over and over again at no additional cost." But if this is true, then "it follows directly that an equilibrium with price taking cannot be supported." In other words, economic growth—and the technological innovation it requires—aren't possible under perfect competition; they require some degree of monopoly power.

The fashion world—highly competitive, with designs largely unprotected—innovates constantly and profitably. A Gucci is a Gucci; knock-offs are mere imitations and worth less than the original.

Undermining Convention

Economists prize economic growth but distrust monopoly, so accepting the latter to obtain the former is a Faustian bargain at best. With "Perfectly Competitive Innovation," Boldrin and Levine vigorously reject the contract.

Innovation, they argue, has occurred in the past without substantial protection of intellectual property. "Historically, people have been inventing and writing books and music when copyright did not exist," notes Boldrin. "Mozart wrote a lot of very beautiful things without any copyright protection." (The publishers of music and books, on the other hand, sometimes did have copyrights in the materials they bought from their creators.)

Contemporary examples are also plentiful. The fashion world—highly competitive, with designs largely unprotected—innovates constantly and profitably. A Gucci is a Gucci; knock-offs are mere imitations and worth less than the original, so Gucci—for better or worse—still has an incentive to create. The financial securities industry makes millions by developing and selling complex securities and options without benefit of intellectual property protection. Competitors are free to copy a firm's security package, but doing so takes time. The initial developer's first-mover advantage secures enough profit to justify "inventing" the security.

As for software, Boldrin refers to an MIT working paper by economists Eric Maskin and James Bessen. Maskin and

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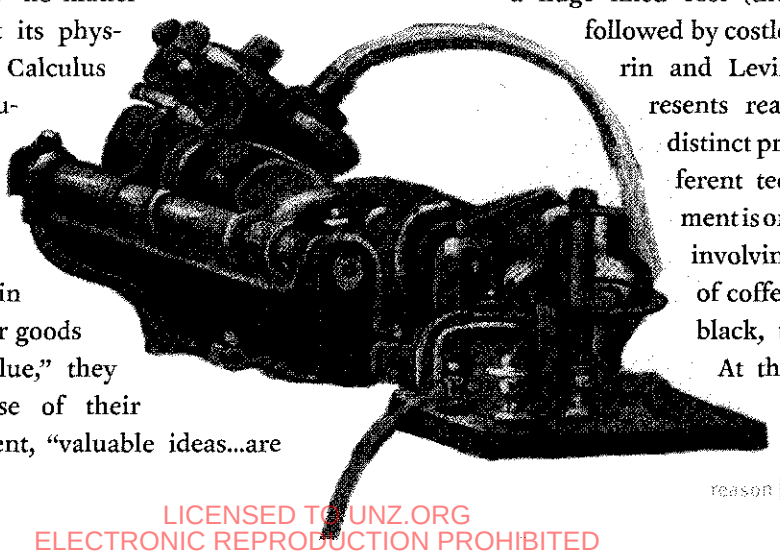
Bessen write that "some of the most innovative industries today—software, computers and semiconductors—have historically had weak patent protection and have experienced rapid imitation of their products."

Moreover, U.S. court decisions in the 1980s that strengthened patent protection for software led to less innovation. "Far from unleashing a flurry of new innovative activity," Maskin and Bessen write, "these stronger property rights ushered in a period of stagnant, if not declining, R&D among those industries and firms that patented most." Industries that depend on sequential product development—the initial version is followed by an improved second version, etc.—are, they argue, likely to be stifled by stronger intellectual property regimes.

"So examples abound," says Boldrin. "That's the empirical point: Evidence shows that innovators have enough of an incentive to innovate." But he and Levine are not, by nature or training, empiricists. They build mathematical models to describe economic theory. In the case of intellectual property, they contend, current theory says innovation won't happen unless innovators receive monopoly rights, but the evidence says otherwise. "So what we do is to develop the theoretical point to explain the evidence," says Boldrin.

Rivalry Over Nonrivalry

A fundamental tenet of current conventional wisdom is that knowledge-based innovations are subject to increasing returns because ideas are nonrivalrous. Boldrin and Levine argue that in an economy this has no relevance. While pure ideas can be shared without rivalry in theory, the economic application of ideas is inherently rivalrous, because ideas "have economic value only to the extent that they are embodied into either something or someone." What is relevant in the economic realm is not an abstract concept or formula—no matter how beautiful—but its physical embodiment. Calculus is economically valuable only insofar as engineers and economists know and apply it. "Only ideas embodied in people, machines or goods have economic value," they write. And because of their physical embodiment, "valuable ideas...are as rivalrous as commodities containing no ideas at all, if such exist."



A novel is valuable only to the extent that it is written down (if then). A song can be sold only if it is sung, played, or printed by its creator. A software program—once written—might seem costless, Boldrin and Levine write, but "the prototype does not sit on thin air. To be used by others it needs to be copied, which requires resources of various kinds, including time. To be usable it needs to reside on some portion of the memory of your computer....When you are using that specific copy of the software, other people cannot simultaneously do the same."

In each instance, the development of the initial prototype is far more costly than the production of all subsequent copies. But because copying takes time—a limited commodity—and materials (paper, ink, disk space), it is not entirely costless. "Consider the paradigmatic example of the wheel," they write. "Once the first wheel was produced, imitation could take place at a cost orders of magnitude smaller. But even imitation cannot generate free goods: to make a new wheel, one needs to spend some time looking at the first one and learning how to carve it."

The first wheel is far more valuable than all others, of course, but that "does not imply that the wheel, first or last that it be, is a nonrivalrous good. It only implies that, for some goods, replication costs are very small."

Economic theorists generally have assumed that the dramatic difference between development and replication costs can be modeled as a single process with increasing returns to scale: a huge fixed cost (the initial investment) followed by costless duplication. Boldrin and Levine say this misrepresents reality: There are two distinct processes with very different technologies. Development is one production process involving long hours, gallons of coffee, sweaty genius, and black, tempestuous moods. At the end of this initial process, the prototype (with any luck)

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exists and the effort and money that produced it are a sunk cost, an expense in the past.

Thereafter, a very different production process governs: Replicators study the original, gather flat stones, round off corners, bore center holes, and prune tree limbs into axles. Stone wheels roll off the antediluvian assembly line. In this second process, the economics of production are the same as for any other commodity, usually with constant returns to scale.

As Boldrin and Levine develop their mathematical model, they assume only that, "as in reality," copying takes time and there is a limit (less than infinity) on the number of copies that can be produced per unit of time. These "twin assumptions" introduce a slim element of rivalry. After it's created, the prototype can be either consumed or used for copying in the initial time period. (Technically, it could be used for both, but not as easily as if it were used for just one or the other.)

While others simply have assumed, with Romer, that the prototype of an intellectual product is nonrivalrous, Boldrin and Levine argue that the tiny cost of replicating it undermines the conventional model. Production is not subject to increasing returns, they argue, and competitive markets can work. "Even a minuscule amount of rivalry," they write, "can turn standard results upside down."

Britney Gets Her Due

Still, the central question is whether innovators will have enough incentive to go through the arduous, expensive invention process. Since the 1400s, when the first patent systems emerged in Venice, governments have tried to provide incentive by granting inventors sole rights to their creations for limited periods. The U.S. Constitution gives Congress the power "to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

Economists long have recognized that such exclusive rights give creators monopolies, allowing them to set prices and quantities that may not be socially optimal. But conventional thinking says these costs are the necessary tradeoff for bringing forth creative genius. Today, the legal realities and economic conventions have assumed the air of incontrovertible fact: If inventors can be "ripped off"—copied as soon as they create—why would they bother?

In arguing for competitive innovation rather than the monopolistic variety, Boldrin and Levine emphasize that they are not saying creators don't have rights. On the contrary, they stress that innovators should be given "a well defined right of first sale." (Or, more technically, "we assume full appropriability of privately produced commodities.") And creators should be paid the full market value of their invention, the first unit of the new product. That value is "the net discounted value of the future stream of consumption services" generated by that first unit, which is an economist's way of saying it's worth the current value of everything it's going to earn in the future.

What happens as reproduction technologies improve: as printing presses get quicker, or as the Internet lets teenagers share music files faster and farther? Won't that drive authors and musicians into utter poverty?

So if Britney Spears records a new song, she should be able to sell the initial recording for the sum total of whatever music distributors think her fans will pay for copies of the music during the next century or so. Distributors know her songs are in demand, and she knows she can command a high price. As in any other market, the buyer and seller negotiate a deal. The same rules would hold for a novelist who writes a book, a software programmer who generates code, or a physicist who develops a useful formula. They get to sell the invention in a competitive market. They're paid whatever the market will bear, and if the market values copies of their song, book, code, or formula, the initial prototype will be precious and they'll be well paid.

In fact, says Boldrin, "in a competitive market, the very first few copies are very valuable because those are the instruments which the imitators—the other people who will publish your stuff—will use to make copies. They're more capital goods than consumption goods. So the initial copies will be sold at a very high price, but then very rapidly they will go down in price."

What creators won't get, in Boldrin and Levine's world, is the right to impose downstream licensing agreements that prevent customers from reproducing the product, modifying it, or using it as a stepping stone to the next innova-

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tion. They can't prevent their customers from competing with them.

But will the market pay the creator enough? That depends on the innovator's opportunity costs. If the price likely to be paid for an invention's first sale exceeds the opportunity costs of the inventor, then yes, the inventor will create. If a writer spends a year on a book, and could have earned $30,000 during that year doing something else, then her opportunity cost is $30,000. Only if she guesses she can sell her book for at least that much is she likely to sit down and write.

"What we show in the technical paper is that the amount [a book publisher] gives me is positive, and in fact, it can be large," says Boldrin. "Then it's up to me to figure out if what society is paying me is enough to compensate for my year of work."

But what happens as reproduction technologies improve: as printing presses get quicker, or as the Internet lets teenagers share music files faster and farther? Won't that drive authors and musicians into utter poverty?

In fact, Boldrin and Levine argue, the opposite should occur. Increasing rates of reproduction will drop marginal production costs and, therefore, prices. If demand for the good is elastic—that is, if demand rises disproportionately when prices drop—then total revenue will increase. And since creators with strong rights of first sale are paid the current value of future revenue, their pay will climb. "The point we're making is the invention of things like Napster or electronic publishing and so on are actually creating more opportunities for writers, musicians, for people in general to produce intellectual value, to sell their stuff and actually make money," says Boldrin. "The costs I suffer to write down one of my books or songs have not changed, so overall we actually have a bigger incentive, not smaller incentive."

Conventional wisdom admits that monopoly rights impose short-term costs on an economy. They give an undue share of the economic pie to those who own copyrights and patents; they misallocate resources by allowing innovators to command too high a price; they allow innovators to produce less than the socially optimal level of the new invention. But these costs are all considered reasonable because innovation creates economic growth: The static costs are eclipsed by dynamic development.

Boldrin and Levine say this is a false dilemma. Monopoly rights are not only unnecessary for innovation but may stifle it, particularly when an innovation reduces the cost of expanding production. "Monopolists as a rule do not like to produce much output," they write. "Insofar as the benefit of an innovation is that it reduces the cost of producing additional units of output but not the cost of producing at the current level, it is not of great use to a monopolist." Monopolists, after all, can set prices and quantities to maximize their profits; they may have no incentive to find faster reproduction technologies.

More broadly, producers are likely to engage in what economists call "rent-seeking behavior"—efforts to protect or expand turf (and profits) by fighting for government-granted monopoly protection—and that behavior is likely to stifle innovation. Expensive patent races, defensive patenting (in which firms create a wall of patents to prevent competitors from coming up with anything remotely resembling their product), and costly infringement battles are common functions of corporate law departments. Such activity chokes off creative efforts by others, particularly the small and middle-sized firms that are typically more innovative.

The Critics

Like any radical innovation, Boldrin and Levine's argument has its critics. "We've been presenting it in quite a few key places, and I have to admit that every time there was a riot," says Boldrin. "There was a riot at Stanford last Thursday. It was a huge riot at Chicago two weeks ago. I know it was a riot at Toulouse when David presented it."

A "riot" among economists might not call for crowd control, but the paper does evoke strong reactions. UCLA's Klein says the paper is "unrealistic modeling with little to do with the real world." In a paper with Kevin Murphy of the University of Chicago and Andres Lerner of Economic Analysis LLC, Klein writes that Boldrin and Levine's model works only under the "arbitrary demand assumption" that demand for copies is elastic, so that as price falls over time output increases more than proportionately and profit rises. In the case of Napster and the music industry, this "clearly conflicts with record company pricing. That is, if Boldrin and Levine were correct, why are record companies not pricing CDs as low as possible?"

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Romer has a broader set of objections. As a co-author and graduate school classmate of Levine's and a former teacher of Boldrin's at the University of Rochester, Romer has no desire to brawl with his respected colleagues. Moreover, he agrees that property rights for intellectual goods are sometimes too strong; in some cases, society might benefit from weaker restrictions. Music file sharing, for example, might increase social welfare even if it hurts the current music industry. And he stresses that alternative mechanisms for bringing forth innovation—government support for technology education, for example—might well be superior to copyrights and patents. Nonetheless, Romer does have serious problems with the new theory.

First of all, the first-sale rights Boldrin and Levine would assign to innovators "would truly be an empty promise." In their model, if a pharmaceutical firm discovers a new compound, it can sell the first pills but not restrict their downstream use. A generic drug manufacturer could then buy one pill, analyze it, and start stamping out copies.

"So what Boldrin and Levine call 'no downstream licensing' is instant generic status for drugs," Romer complains. And while they argue that the inventor "can sell a few pills for millions of dollars," this is unrealistic if everyone who buys a pill can copy it. "You can make a set of mathematical assumptions so that this is all logically consistent," says Romer, "but those assumptions are wildly at odds with the underlying facts in the pharmaceutical industry."

If Boldrin and Levine are unrealistic about appropriability, they are even more at sea regarding rivalry, Romer adds. While it's true that ideas must be embodied to be economically useful, it's false to say that there is no distinction between the idea and its physical instantiation. A formula must be written down, but the formula is far more valuable than the piece of paper on which it's written. In a large market, the formula could be so valuable that "the cost of the extra paper is trivial—so small that it is a reasonable approximation to neglect it entirely." If Romer's approximation is right—if it truly is reasonable to neglect that "trivial" cost—then out goes the slim element of rivalry on which the Boldrin/Levine argument rests.

Romer also objects to the contention that competition can deal well with sunk costs. And he suggests that Boldrin and Levine are wrong to object to copyright restriction of downstream use, since perfect competition allows sellers and buyers to enter contracts that impose such restrictions. "What justification is there," says Romer, "for preventing consenting adults from writing contracts that limit subsequent or downstream uses of a good?"

Boldrin's quick e-mail response: "We never say anything like that!! Patents and copyrights are NOT private contracts; they are monopoly rights given by governments."

Romer counters: "The legal system creates an opportunity for an owner to write contracts that limit how a valuable good can be used....The proposal from Boldrin and Levine would deprive a pharmaceutical company or the owner of a song of the chance to write this kind of contract with a buyer."

According to University of Chicago's Lucas, "There is no question that Boldrin and Levine have their theory worked out correctly. The issue is where it applies and where it doesn't." Their strongest examples, Lucas argues, are Napster and the music industry. "If we do not enforce copyrights to music, will people stop writing and recording songs?" he asks rhetorically. "Not likely, I agree. If so, then protection against musical 'piracy' just comes down to protecting monopoly positions: something economists usually oppose, and with reason."

> This is a formidable assault on the conventional wisdom about the need to protect intellectual property. That it has met with opposition or incredulity is to be expected. What matters are the next steps.

But Lucas cautions that their theory may not apply everywhere. "What about pharmaceuticals?" he asks, echoing Romer. "Here millions are spent on developing new drugs. Why do this if the good ideas can be quickly copied?"

Refining the Theory

Solow suggests that Boldrin and Levine should enrich their "very nice paper" by testing its robustness. What happens, for example, if the time interval between invention and copying is shrunk? And—echoing Arrow—"does anything special happen if you introduce some uncertainty about the outcome of an investment in innovation?"

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Boldrin and Levine recognize that work remains to be done to strengthen their theory. They have begun to examine the effect of uncertainty on their model, as Solow suggests, and they say the results still broadly obtain. The difference is that a large monopolist may be able to insure himself against risk, whereas competitors will need to create securities that allow them to sell away some of the risk and buy some insurance.

As for pharmaceutical research and development, Boldrin and Levine contend that their critics are misrepresenting the industry's economics. Much of the high cost of pharmaceutical R&D, Boldrin argues, is due to the inflated values placed on drug researchers' time because they are employed by monopolists. Researchers are paid far less in the more competitive European drug industry.

In addition, Levine says, pharmaceuticals aren't sold into a competitive market: "They are generally purchased by large organizations such as governments and HMOs." If inflated drug prices are viewed more realistically, these economists argue, the development costs of new drugs would not be nearly as insurmountable as commonly believed.

Moreover, copying a drug takes time and money, providing the innovative drug company with a substantial first-mover advantage. "It's not obvious that the other guys can imitate me overnight," says Boldrin. "The fact that you are the first and know how to do it better than the other people—it may be a huge protection."

Still, they admit, there are cases of indivisibility where the initial investment may simply be too large for a perfectly competitive market. "We have argued that the competitive mechanism is a viable one, capable of producing sustained innovation," they write. "This is not to argue that competition is the best mechanism in all circumstances." Indivisibility constraints may keep some socially desirable innovations from being produced; the situation is similar to a public goods problem. The authors suggest that contingent contracts and lotteries could be used in such cases, but "a theory of general equilibrium with production indivisibility remains to be fully worked out."

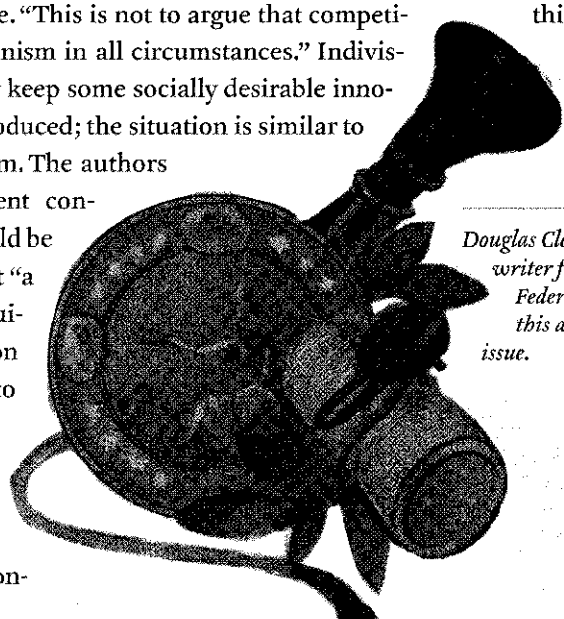
Some economists have already begun work on the next stages. Quah at the London School of Economics has pushed Boldrin and Levine's model in a number of directions to test its robustness and applicability. In one paper, he finds it works well if he tweaks assumptions about the consumption and production of the intellectual assets, but it falters if he changes time constraints.

In another paper, Quah contends that Boldrin and Levine's potential solutions to indivisibility constraints may not actually resolve the problem. "What is needed," he writes, "is the capability to continuously adjust the level of an intellectual asset's instantiation quantity." Roughly translated: We need the ability to come up with half an idea. That might be a problem.

More studies like Quah's will be needed to poke, prod, refine, refute, and extend Boldrin and Levine's theory. And empirical work will be needed to see whether it is indeed a more apt description of innovation. The theory is part of an intellectual thicket, and economists who work that thicket tend to render it impenetrable by adopting different terms or defining identical terms differently.

What is clear, though, is that Boldrin and Levine have mounted a formidable assault on the conventional wisdom about innovation and the need to protect intellectual property. That it has met with opposition or incredulity is to be expected. What matters are the next steps.

"The reaction for now is surprise and disbelief," Boldrin says. "We'll see. In these kinds of things, the relevance is always if people find the suggestion interesting enough that it's worth pushing farther the research. All we have made is a simple theoretical point." ▪



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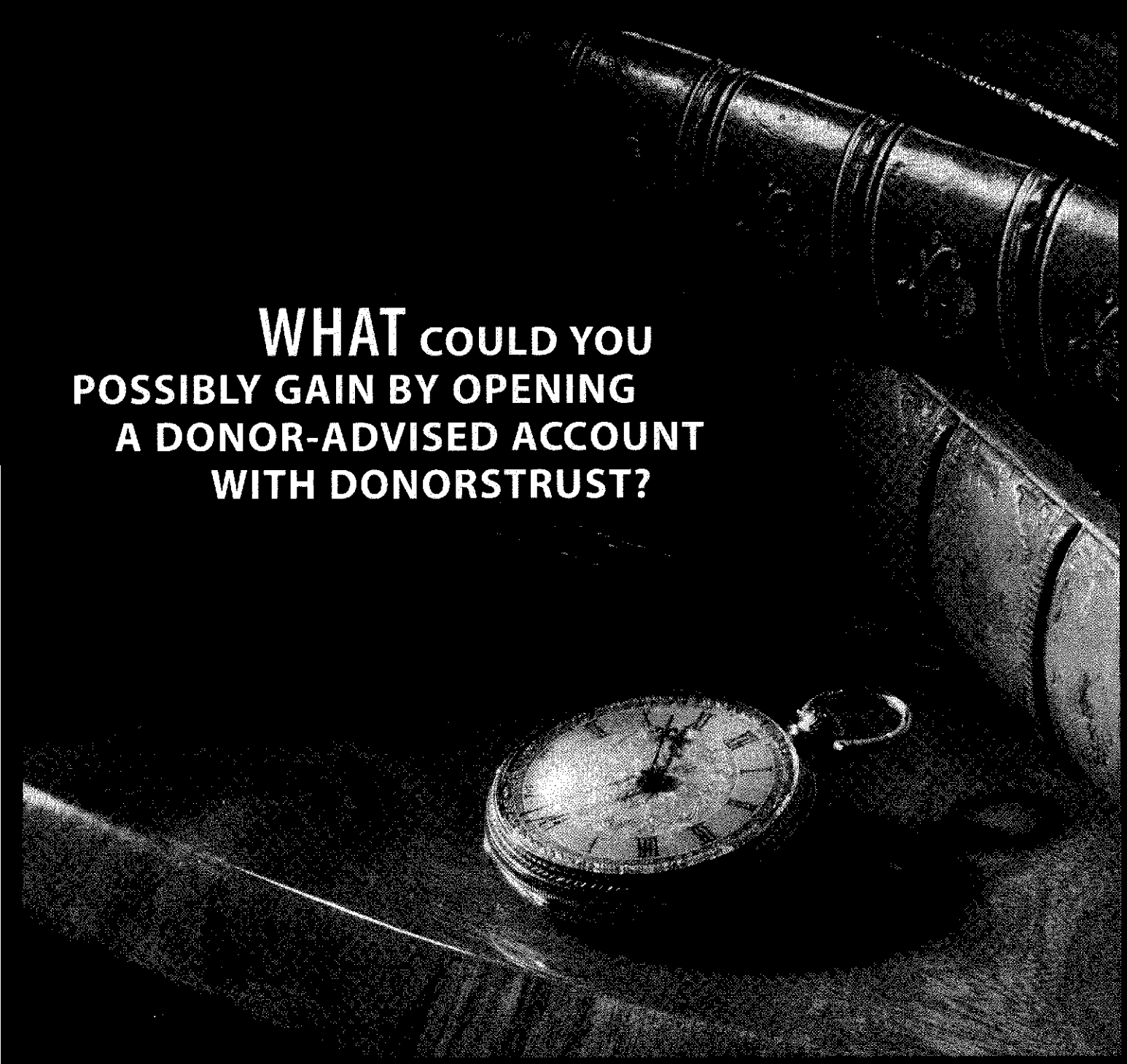

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Big Fat Fake

The Atkins diet controversy and the sorry state of science journalism

Michael Fumento

IT WAS EXACTLY what millions of obese Americans wanted to hear: Diet guru Robert Atkins has been right all along; conversely, the "medical establishment" that has routinely criticized him has been entirely wrong. Unlimited-calorie, high-fat meals are the key to low-fat bodies. So claimed award-winning science writer Gary Taubes in an 8,000-word *New York Times Magazine* blockbuster that appeared last July, "What If It's All Been a Big Fat Lie?"

The magazine's cover was even juicier than the title: It featured a slab of steak topped with butter and asked, "What If Fat Doesn't Make You Fat?" In fact, Taubes declared in his article, the consumption of *too little* fat could explain the explosion in obesity.

Atkins quickly wrote an editorial for his Web site claiming the article "validated" his work. Gushingly favorable follow-up stories appeared on NBC's *Dateline*, CBS' *48 Hours*, and ABC's *20/20*. *Dr. Atkins' New Diet Revolution*, with 11 million copies already in print, shot up from No. 5 to the top spot on the *New York Times* paperback bestseller list for "Advice, How-To, and Miscellaneous" books. It went from No. 178 to No. 5 in Amazon's rankings. Taubes himself landed a book contract from publisher Alfred A. Knopf for a big fat $700,000.

But there were serious problems with this revolutionary argument about one of our nation's most serious health problems. For example, Taubes omitted any reference to

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Dr. Atkins claims that by simply minimizing your carbohydrate intake you can quickly lose massive amounts of weight, even while pigging out daily on fatback, pork rinds, and lard.

hundreds of refereed scientific studies published during the last three decades that contradicted his position. Researchers from whom he could not pull even a single useful quote supportive of his thesis were banished from the piece, while many of those whom Taubes did end up quoting now complain that he twisted their words.

"I was greatly offended by how Gary Taubes tricked us all into coming across as supporters of the Atkins diet," says one such source, Stanford University cardiologist John Farquhar. "I think he's a dangerous man. I'm sorry I ever talked to him."

Upon closer examination, Taubes' "What If It's All Been a Big Fat Lie?" turns into a big fat mess. The misguided hoopla over the *New York Times Magazine* article and the Atkins Diet is a short study in the sorry state of scientific and medical reporting, not to mention a diet industry that routinely panders to people's worst impulses.

The Fat Shall Set Ye Free?

In *Dr. Atkins' New Diet Revolution*, Robert Atkins claims that by simply minimizing your carbohydrate intake you can quickly lose massive amounts of weight, even while pigging out daily on fatback, pork rinds, and lard. He also claims his diet will relieve "fatigue, irritability, depression, trouble concentrating, headaches, insomnia, dizziness, joint and muscle aches, heartburn, colitis, premenstrual syndrome, and water retention and bloating."

Claims like those should make anyone suspicious, even those who have barely scraped through high school biology. Gary Taubes has gone well beyond that level. He's a contributing correspondent to America's preeminent scientific journal, *Science*. He has won the National Association of Science Writers' Science in Society Journalism Award three times—the maximum allowed. Only one other writer has ever achieved that status.

Nonetheless, at the very outset of his piece (viewable in its entirety at www.atkinsdiet.com) Taubes set forth the proposition that Atkins was crucified by the "American medical establishment," which claimed his diet was ineffective and possibly dangerous and in so doing encouraged the "rampaging epidemic of obesity in America."

There is a nugget of truth in Taubes' criticisms of establishment dietary fat advice. Well-meaning but misguided health officials and health reporters, joined by opportunistic anti-fat diet book gurus, have convinced much of the public that the major culprit—perhaps the *only* culprit—in obesity is dietary fat. Avoid fat, we were told, and you won't get fat. Given license to eat as many calories as we wanted from the other nutrient groups, many of us have done exactly that. This goes far to explain why almost one-third of us are obese and almost two-thirds of us are overweight. But even here Taubes is no pioneer; the damage caused by fat-free fanaticism was pointed out long before. (See, for example, my own 1997 book, *The Fat of the Land*.)

Moreover, the Atkins-Taubes thesis of "fat won't make you fat" encourages obesity in a similar way: It offers carte blanche for consuming limitless calories, only this time swapping carbohydrates for fat. Taubes made that swap while presenting a far less scientific case than is presented in an Atkins infomercial.

Ask Stanford endocrinologist Gerald Reaven. He's best known for calling attention to "Syndrome X," a cluster of conditions that may indicate a predisposition to diabetes, hypertension, and heart disease. Among Reaven's recommendations for lowering the risk of that syndrome is to

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reduce consumption of highly refined carbohydrates such as those present in soft drinks and table sugar. But that's where the overlap with Atkins ends.

"I thought [Taubes'] article was outrageous," Reaven says. "I saw my name in it and all that was quoted to me was not wrong. But in the context it looked like I was buying the rest of that crap." He adds, "I tried to be helpful and a good citizen, and I ended up being embarrassed as hell. He sort of set me up." When I first contacted Reaven, he was so angry he wouldn't even let me interview him.

But his position on Atkins was all over the Internet in interviews posted long before Taubes talked to him. Do "low-carb diets like *The Zone* [by Barry Sears] and Atkins work?" one asked. Answer: "One can lose weight on a low-calorie diet if it is primarily composed of fat calories or carbohydrate calories or protein calories. It makes no difference!"

The very person with whom Taubes chose to end his article, Stanford's John Farquhar, was as livid as Reaven. Taubes said that Farquhar had sent Taubes "an e-mail message asking the not-entirely-rhetorical question, 'Can we get the low-fat proponents to apologize?'" On this powerful note, the article ended.

But it's Taubes whom Farquhar wants to apologize. "I was greatly offended by how Gary Taubes tricked us all into coming across as supporters of the Atkins diet," he wrote in an e-mail he broadcast to reporters and to colleagues who were stunned that Farquhar might actually hold the beliefs Taubes attributed to him. "We are against the Atkins Diet," he wrote, speaking for himself and Reaven. "I told him [Taubes] there is the minor degree of merit" to the idea that "people are getting fatter because too much emphasis is being placed on just cutting fats," Farquhar told me. But "once I gave him that opening—bingo—he was off and running, even though I said about six times that this is *not* the cause of the obesity epidemic."

Diets and Data

Taubes proved as adept at clipping data as at clipping quotes. Thus he claimed that one of the "reasons to suggest that the low-fat-is-good-health hypothesis has now effectively failed the test of time" is "that the *percentage* of fat in the American diet has been decreasing for two decades." (Emphasis added.)

That's true, but irrelevant. The *amount* of fat consumed has been steadily climbing, as has consumption of all calories. Individual caloric consumption jumped from 3,300 calories per day in 1970–79 to 3,900 in 1997, an 18 percent increase. Per-person consumption of fat grams increased from 149 to 156, a 4.5 percent increase. "We're eating just too darned much of everything," says Farquhar.

Taubes also shoved aside decades of published, controlled, randomized clinical trials comparing nutrient intake and weight loss. His apparent justification in the article was that the "research literature [is] so vast that it's possible to find at least some published research to support virtually any theory." But that's sheer nihilism. Good science is cautious and skeptical, not permanently open-ended. That's why terms like *weight of the evidence* are used. And the evidence against Atkins-like low-carbohydrate diets is crushing.

In April 2002, for example, the *Journal of the American Dietetic Association* (*JADA*) published a review of "all studies identified" that looked at diet nutrient composition and weight loss. It found over 200, with "no studies of the health and nutrition effects of popular diets in the published literature" excluded. In some, subjects were put on "ad libitum" diets, meaning they were allowed to eat as much as they wanted as long as they consumed fat, protein, and carbohydrates in the directed proportions. In others, subjects were put on controlled-calorie diets that also had directed nutrient proportions. The conclusion: Those who *ate* the least fat *carried* the least fat.

An alternative method of comparing diets is a meta-analysis, which means not looking at the sum of the whole but actually combining the data. One such meta-analysis, covering 16 ad libitum studies and almost 2,000 people, appeared in the *International Journal of Obesity and Related Metabolic Disorders* in December 2000. The conclusion: Those on low-fat diets had "a greater reduction in energy intake" and a "greater weight loss than control groups."

"Aren't all these studies highly relevant to the issue of whether an Atkins-like diet works, and don't they indicate that it does not?" I ask Dr. Louis Aronne, director of the Comprehensive Weight Control Program at New York's Weill Cornell Medical Center. "I agree completely," he says. "You're absolutely right."

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Well-meaning but misguided health officials and health reporters, joined by opportunistic anti-fat diet book gurus, have convinced much of the public that the major culprit—perhaps the *only* culprit—in obesity is dietary fat.

This wasn't the first time Taubes had published a lengthy article on fat while leaving out this vital information. He also did so in one of his award-winning pieces, a precursor to the "Big Fat Lie" article called "The Soft Science of Dietary Fat" that appeared in *Science* in March 2001. In a subsequent letter to the journal, three obesity research co-authors, including James Hill, director of the University of Colorado Center for Human Nutrition in Denver, noted, "What Taubes does not mention are the meta-analyses of intervention studies comparing ad libitum intakes of higher fat diets with low-fat diets that clearly show reduced caloric intake and weight loss on the low-fat diet." Taubes responded to the letter but again refused to address these studies.

Why? "They're not worth mentioning," he told me in a telephone interview. They weren't done correctly. None of them? None. The one meta-analysis Taubes thinks was properly conducted appeared in 2002 in *The Cochrane Library*. Yet it, too, found no advantage to low-carbohydrate diets, merely that "fat-restricted diets are no better than calorie restricted" ones.

Where, I ask Taubes, did all these researchers go wrong? The problem is inherent to an intervention study, he says. "When you counsel people you change their behavior." But doesn't that apply to all the groups in a study? Yes, he grants. "But the idea is to make the intervention effect equal for everyone, whichever diet they happen to be on," he says. "If the interventions aren't the same, then you just don't know how to interpret the results." That may be true, but it's also irrelevant. There's no reason to think persons on either low-fat or high-fat diets got more or less intervention in these myriad studies. Indeed, in some of them virtually all the intervention emphasis was on *exercise*, with little nutrition counseling one way or the other.

Finally, the comprehensive *JADA* review published last April also looked at persons who weren't in intervention studies at all but rather were part of the U.S. Department of Agriculture's Continuing Survey of Food Intake by Individuals. An updated report on the survey appeared last June in the *Journal of the American College of Nutrition*. Both survey reports came to the same conclusion as the intervention studies.

Dr. Aronne is quick to point out that this wealth of data supporting lower-fat diets "is not an endorsement for eating unlimited amounts of nonfat muffins and soda simply because they're fat-free." All carbohydrate sources are not equal. For example, fiber appears to play a powerful role in weight control, but there is no more fiber in a soda than there is in a steak. That said, a high-fat diet does carry an inherent metabolic disadvantage in that fat has nine calories per gram, while carbohydrates and protein each have four.

Abstract Weight Loss

Having circumvented this mass of peer-reviewed literature readily open to public scrutiny in libraries and often online, Taubes instead tried to make his case with a mere *five* studies. All five were (and are) available only in abstract form. That is, they are summaries of about 300 words each that have been presented at various obesity conferences. "The results of all five of these studies are remarkably consistent," Taubes averred. "Subjects on some form of the Atkins diet...lost twice the weight as the subjects on the low-fat, low-calorie diets."

One of the five studies, conducted at the Durham Veterans Administration Medical Center in North Carolina, was

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funded by the Atkins Center. Those researchers repeatedly have publicized their interpretation of their findings and unsurprisingly have conferred their full blessings on the diet. They did so most recently in late November, garnering tremendous favorable media attention. (See "Hold the Lard" at www.reason.com/hod/mf120502.shtml.) The authors of the other four studies, however, have been reticent about releasing their data, in part because pre-publicity in the lay press makes it more difficult to get published in medical journals. But when I interviewed researchers for two of the other studies, they all insisted Taubes grossly mischaracterized their findings.

"The Atkins diet produces weight loss, as does the grapefruit diet, the rotation diet, and every other fad diet out there," says one of the researchers, Colorado's James Hill. "I haven't seen any data anywhere saying Atkins is better than these other diets for weight loss. Taubes is trying to fly in the face of the scientific evidence." Referring to the book deal, he says, "Taubes sold out."

Hill's co-researcher, Gary Foster of the University of Pennsylvania, says "the probable explanation for the greater weight loss in the groups on the Atkins regimen" is that it "gives people a framework to eat fewer calories, since most of the choices in this culture are carbohydrate driven.... You're left eating a lot of fat, and you get tired of that. Over time people eat fewer calories." That would make the Atkins plan nothing more than a low-calorie diet in disguise.

Another of the abstracts came from the University of Cincinnati. The Atkins-like group "did have twice as much weight loss, and to completely lose that point would be unfair," says one of the co-authors, Randy Seeley of the university's Obesity Research Center. But his explanation is similar to Foster's, if more colorful. "If you're only allowed to shop in two aisles of the grocery store, does it matter which two they are?" he asks.

All the researchers I interviewed also insisted the studies weren't long enough to be conclusive, with none lasting more than a year. And the kicker is that all five were *intervention studies*, conducted using the same methodology that Taubes cites to dismiss the mountain of published material that undercuts his position.

Seeley and co-researcher David D'Alessio were also upset that Taubes made use of their material at all and not just because it hurt their chances of publication. "One of the things I object to most in the Taubes article is the idea that we're going to carry out this scientific debate in the lay press with data that's unavailable for scientists to review," says Seeley. "I believe in the peer-review process." Indeed, one "danger of trying to conduct this out in the lay press," he says, is that "you have a guy like Taubes going through it and just picking up the pieces that support his opinion."

3,000 MIAs

Taubes also ignored the approximately 3,000 members of a database called the National Weight Control Registry. For 10 years, the registry has tracked people who have lost at least 30 pounds and kept it off for at least a year. The average member has maintained a loss of about 60 pounds for about five years.

Co-administered by Hill in Denver and Rena Wing of the University of Pittsburgh, the registry is aimed at finding out what works and what doesn't. According to its members, what *doesn't* work is a high-fat diet. On average, they consume only 23 percent of calories from fat. "Almost nobody's on a low-carbohydrate diet," Hill says. Another important lesson that may be drawn from the registry is that the importance of *any* type of diet in weight control may be overemphasized. Ninety-one percent of the subjects said they regularly exercised.

While relying on self-interpretation of unpublished abstracts is valid methodology to Taubes, he insists the registry is so unscientific as to be worthless. One problem, he told me, is that it represents only a tiny fraction of all those who have succeeded at weight loss. Further, the sample is entirely self-selected rather than randomized. "Its method of recruiting could bias the selection toward those who use low-fat diets," he says.

Yet the registry data have been considered valid and important enough to have been written up in such peer-reviewed medical publications as the *American Journal of Clinical Nutrition*, the *Journal of the American Dietetic Association*, the *International Journal of Obesity*, *Health Psychology*, and *Obesity Research*.

"You can't get around" the problem of self-selection, says Suzanne Phelan, a co-investigator of the registry at Brown University Medical School. "But why would non-Atkins people select in and Atkins ones stay out?" Atkins dieters, she notes, "seem to be very dedicated." (Other

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The amount of fat Americans consume has been steadily climbing, as has consumption of all calories. Individual caloric consumption jumped from 3,300 calories per day in 1970–79 to 3,900 in 1997, an 18 percent increase.

researchers have described them as having an almost religious fervor.) Originally, recruits were selected "based on a random-digit dialing procedure," she says. But that proved onerous, and "as media such as *USA Today* and *CNN* began talking about the registry, we just let them take over" the recruiting process. "There's no reason to think that people who see those media are more likely to have a certain diet," Phelan says.

Oh, and there's another place where joining the registry has been promoted: the Atkins Web site. So we're left wondering why successful low-fat eaters would be especially likely to select into the registry or why the purchasers of over 11 million Atkins diet books consistently opt out.

Feeling Full

For all its 8,000 words, there were few actual data in the Taubes piece. It was rather like reading a treatise explaining how the Chicago Cubs may well be the best team in baseball history without being informed they haven't won a pennant since 1945. Instead readers were regaled with explanations of physiological mechanisms—the basis for which, Taubes wrote, is "Endocrinology 101"—that might explain how dieters shed pounds and inches. *Endocrinology 101* is a term popularized by Dr. David Ludwig, who runs the pediatric obesity clinic at Children's Hospital Boston.

According to Taubes, Endocrinology 101 "requires an understanding of how carbohydrates affect insulin and blood sugar and in turn fat metabolism and appetite." In brief, it says there are aspects of a high- or low-carbohydrate diet that affect both how much we want to eat (referred to as "satiety") and how efficiently the body converts the various nutrients into body fat. And the theory says an Atkins-like diet is both more satiating and less efficient in converting calories to fat.

Yet the published literature that Taubes ignored says otherwise. The aforementioned review of over 200 studies in the *Journal of the American Dietetic Association* expressly nixed the idea that any type of food converts less efficiently to body fat. "None of the popular diet research we reviewed suggests a metabolic advantage with respect to weight loss," it declared.

Nor can Taubes fall back on his five studies, according to Seeley. "Ultimately our data do not support *any* of the mechanisms" for why a low-carbohydrate diet might be especially effective in inducing weight loss "that Atkins and proponents of the diet have [suggested]," he told me. Indeed, each explanation that Taubes presents for how an Atkins diet *might* cause weight loss collapses under the weight of the published research he ignores.

Consider the matter of satiety. How, Taubes wondered, could a low-calorie regimen "suppress hunger, which Atkins insisted was the signature characteristic of the diet." One possibility, he said, was, yes, "Endocrinology 101: that fat and protein make you sated and, lacking carbohydrates and the ensuing swings of blood sugar and insulin, you stay sated."

But is there any empirical support for this? No, according to an April 2002 review of studies in the *Journal of the American College of Nutrition* that summarized "high and low fat treatments when subjects were allowed to eat ad libitum." It found "energy intake on the low-fat diets ranged from 16 percent to 24 percent less than those on high fat diets."

"We've done masses of studies on fat and satiety," says Barbara Rolls, professor of nutrition at Pennsylvania State University, where she has authored four books and written about 60 medical journal articles on human food intake.

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She's widely considered the nation's top authority on satiety. Some of her experiments involved ingestion; in others, "We directly infused pure fat and pure carbohydrates both directly into [human] veins and directly into stomachs." Says Rolls, "We found very little difference between fats and carbohydrates."

Rolls does say there is some evidence that high-protein diets may be more satiating, but Atkins isn't really high protein; it's just high fat. According to an analysis in the journal *Circulation*, Atkins starts off at 36 percent protein from calories and declines to 24 percent in the "maintenance" stage.

What really counts when it comes to satisfying hunger, Rolls says, is "foods that give big portions without a lot of calories. We call these low-energy-density foods." She adds, "The Atkins diet would not be a good way to reduce energy density at all, especially with the restrictions on fruits and vegetables that are really the keys to a low-energy diet." Further, because fat contains more than twice the energy per ounce as either carbohydrates or protein, "high-fat foods are so energy-dense that it's really easy to eat excessive portions."

Rolls says she sent a big pile of her material on satiety to Taubes, but he "just brushed it aside." She says he also interviewed her for over six hours, but every last sentence disappeared into a black hole. Likewise for the interviews Taubes conducted with James Hill and at least five other top obesity researchers from whom he apparently couldn't extract even a single useful line: Dr. F. Xavier Pi-Sunyer of St. Luke's-Roosevelt Hospital in New York; Marion Nestle, chairwoman of the Department of Nutrition and Food Studies at New York University; Dr. Arne Astrup of Denmark; and Dr. Jules Hirsch, whom Taubes interviewed in his office at Rockefeller University in New York. "I just kept telling him, it doesn't matter what kind of calories you eat," says Hirsch.

Taubes is "very selective in what he chooses to include because he's trying to sell a specific line," Rolls says. "He is a good writer; that's the thing that scares me. This is such a good example of how you can pick and choose your facts to present the story you want. But that's not how science should be done. You can't interview everybody and simply ignore the people you don't want to hear." She means that rhetorically, of course.

Gorging on Theory

Stacking theory atop theory, Taubes roared on. Something called "hyperinsulinemia" could also favor the Atkins dieter, he insisted. When carbohydrates are ingested they are broken down in the intestine into glucose and other sugars. Glucose then stimulates cells in the pancreas to secrete insulin to remove that glucose and take it into tissues to be used as fuel or stored. Protein and fat consumption don't have nearly the same impact on insulin production because the whole point of insulin is to maintain the stability of the sugar level.

The Atkins hyperinsulinemia theory, explained Taubes, is that carbohydrates can "cause a spike of blood sugar and a surge of insulin within minutes. The resulting rush of insulin stores the blood sugar away and a few hours later, your blood sugar is lower than it was before you ate." The brain receives a signal that the body needs more food, and the vicious circle repeats itself. Carbohydrates at the top of what's called the "hypoglycemic index" are the most evil of the evil, since they cause blood sugar to rise the fastest. The index ranks potatoes as slightly worse than jelly beans.

For support, Taubes once again fell back on "Endocrinology 101." David Ludwig "notes that when diabetics get too much insulin, their blood sugar drops and they get ravenously hungry," wrote Taubes. "They gain weight because they eat more, and the insulin promotes fat deposition." But according to Seeley, this applies to diabetics injecting massive amounts of insulin into the bloodstream, not to carbohydrate consumers.

"Yes," Seeley says, "if you give people a big wallop of insulin they do eat a lot, but do people under normal circumstances ever get close to that by *eating*? No. Is it possible that *some* people are that reactive? Yes. Is it likely that lots of people fall into that category? No."

Taubes presented University of Washington endocrinologist Michael Schwartz, whom he had interviewed, as a proponent of the idea that blood insulin levels as altered by carbohydrates could be a significant contributor to weight gain. But a commentary in the same magazine Taubes writes for, *Science*, sharply contradicted that position. "Although the concept that insulin triggers weight gain has little scientific merit, it remains a key selling point for advocates of diets that are

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The American Medical Association explained why the diet didn't work, mocking Atkins' basic thesis that fat and protein cannot cause weight gain in the absence of carbohydrate consumption as a "thermodynamic miracle."

low in carbohydrate and high in protein and fat," it read. "If hyperinsulinemia has adverse consequences, obesity does not appear to be among them," it concluded. Who wrote that? Michael Schwartz.

Indeed, Schwartz was also the primary author of a study concluding that obese people whose systems secrete insulin at high levels may be *protected* against further weight gain. "Relatively reduced insulin secretion," he concluded, "is a significant and independent predictor of the tendency to gain weight and adiposity in Pima Indians."

The Pima in Arizona have been the focus of a tremendous amount of research because even by American standards they are incredibly obese and suffer horrific rates of diabetes and heart disease. Comparisons of the Arizona Pima with genetically similar Pima in Mexico find that the Arizonans eat about twice as much fat (although the Mexicans also do far more manual labor) and are almost 60 pounds heavier on average. A National Institutes of Health evaluation of the traditional Pima diet (that is, back when they were thin and healthy) found that it was extremely high in carbohydrates, from 70 percent to 80 percent.

Schwartz says it's not that he believes insulin *can't* play a role in promoting weight gain, but he rejects "Endocrinology 101" based on what he calls "Scientific Methodology 101." "Before you draw conclusions you need data," he says. "There is no compelling evidence that in normal individuals day-to-day fluctuations of the blood glucose level are an important determinant of how much food is consumed."

The Diet Revolution That Isn't

Two distinct controversies have always swirled around the Atkins diet. First, is it effective for long-term weight loss? Second, could those using it be harming themselves by raising their blood lipids (cholesterol and trigylcerides)? The five unpublished abstracts do seem to indicate that for people who manage to stick to a high-fat Atkins diet, it may not be as harmful as was once generally believed. But this finding is quite preliminary and in any case certainly must depend greatly on which types of fat are consumed.

This is a distinction Taubes decided to lose.

Thus he quoted or invoked the name of the chairman of the Department of Nutrition at the Harvard School of Public Health, Walter Willett, seven times during his piece. Willett protests, however, that "I told Taubes several times that red meat is associated with higher risk of colon and possibly prostate cancer, but he left that out." And don't forget the illustration on the cover of *The New York Times Magazine*; that wasn't a flounder with heart-healthy flaxseed oil sitting on top of it.

Taubes also told readers that a metabolic process called ketosis, often invoked to show the Atkins diet could be dangerous, was quite harmless, providing reassuring words from National Institutes of Health researcher Richard Veech that "ketosis is a normal physiologic state." Veech told me by e-mail that the quote was correct, but that Taubes "omitted to say that I strongly urged people to not use the Atkins diet without the supervision of a physician because of the likely elevation of blood cholesterol and lipid on a high fat diet." But you don't have an impact if you insist that a fad diet be supervised by a doctor.

There's nothing "revolutionary" about the Atkins diet. A similar diet appeared in an 1863 booklet by a British undertaker named William Banting, who got the idea from a surgeon. It has popped up in various guises ever since, including a 1946 book extolling the virtues of eating whale

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blubber, and a 1958 book, *Eat Fat and Grow Slim*, written by a psychiatrist.

Likewise, there has long been convincing evidence that the diet fails to live up to its claims. Taubes wrote that "when the American Medical Association (AMA) released its scathing critique of Atkins' diet in March 1973, it acknowledged that the diet probably worked but expressed little interest in why."

The heavily endnoted document, which appeared in the June 4, 1973, issue of *The Journal of the American Medical Association* but unfortunately is not available on the Internet even in abstract form, was indeed scathing. But the rest of Taubes' description is false.

"The notion that sedentary persons, without malabsorption or hyperthyroidism, can lose weight on a diet containing 5,000 calories a day is incredible," the article says. Statements such as "No scientific evidence exists to suggest that the low-carbohydrate ketogenic diet has a metabolic advantage over more conventional diets for weight reduction," and "there is no reason to associate a diet rich in carbohydrate with obesity" hardly seem to acknowledge "that the diet probably worked." Other terms the AMA used to described Atkins' theories included "naïve," "biochemically incorrect," "inaccurate," and "without scientific merit."

It also explained *why* the diet didn't work, mocking Atkins' basic thesis that fat and protein cannot cause weight gain in the absence of carbohydrate consumption as a "thermodynamic miracle."

Three additional decades of research have merely played "pile on" with the AMA's findings. The explanation for weight loss on Atkins given by Foster and Seeley was right there. "When obese patients reduce their carbohydrate intake drastically, they are apparently unable to make up the ensuing deficit by means of an appreciable increase in protein and diet," said the AMA.

Girth of a Nation

What *has* changed drastically in the last three decades is the girth of a nation. American obesity is increasing at a terrifying rate.

Since the publication of Taubes' article, numerous doctors, scientists, and health writers have picked apart various pieces of his argument. A fatlash has formed against Taubes, *The New York Times Magazine*, and Knopf. Originally riding an adulatory wave, Taubes complained bitterly to the weekly *New York Observer* in November that he was "being attacked by sleazebags."

The New York Times Magazine has printed no clarification or retraction of any kind. Yet not only should the magazine's editors have known there were serious problems with the piece, but Farquhar says he told them so outright, based on what he had gleaned from two fact checkers. He says he told those checkers that if Taubes "tries to make it look like I'm saying that I was supporting the idea that the obesity epidemic was from overloading on carbohydrates that this was so far off the mark that I would have to vomit."

At Knopf, Taubes' acquisitions editor, Scott Segal, has wrapped himself in the flag, telling the *Observer*, "It's a free country: First Amendment," as if he believes the Constitution requires publishers to hand out $700,000 checks to all authors. Equally bizarre is his effort to distance the book acquisition from the article. They "chose to put a certain picture on the cover and to use a certain approach to the subject in 5,000 [*sic*] words, but that's not the book," he said. Critics "are reacting to a magazine piece I had nothing to do with." Yet Taubes told me that his article had barely hit the stands when Knopf's offer dropped in his lap, as did an even larger offer from another publisher that he says he rejected because it's the publisher of Atkins' book and it might hurt his credibility.

But obesity and the millions of individual tragedies it has produced are ultimately far more important than this skirmish over a single story. Louis Aronne says, "I think people are getting increasingly confused about what to do. I'm afraid they'll just give up." Randy Seeley says journalism like Taubes' "just makes people confused and frustrated."

Taubes "gave his readers what they wanted to hear," says James Hill. "But what people want to hear is killing them." ▫

Michael Fumento is a senior fellow at the Hudson Institute and author of The Fat of the Land: The American Obesity Epidemic and How Overweight Americans Can Help Themselves (Viking, 1997). His next book, on biotechnology, will be published in the spring by Encounter Books.

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OBSERVATIONS FROM
A RELUCTANT ANTI-WARRIOR
BY PETER BAGGE, 2003 (PETERBAGGE@EARTHLINK.NET)
OCT. 26th, 2002: MY FIRST OF SEVERAL ANTI-WAR RALLIES— THIS ONE IN SEATTLE'S DENNY PARK...
IT WAS EXACTLY LIKE I'D PICTURED IT: FOLK SINGERS; GIANT PAPIER-MÂCHÉ GLOBES; SMALL GROUPS OF YOUNG "ANARCHISTS" MIXED IN WITH ALL THE AGING BABY BOOMERS...
NO WAR
... IT'S SO GREAT TO LOOK DOWN UPON THIS SEA OF DIVERSITY I SEE BEFORE ME...
HOORAY!
"DIVERSITY"? ALL I SEE IS A BUNCH OF MIDDLE-CLASS, COLLEGE-EDUCATED WHITE PEOPLE!
OH WELL, I SUPPOSE WE CAN ALWAYS PRETEND...
A SPOKESMAN FOR THE LONGSHOREMEN'S UNION THEN TRIED TO GET THE CROWD ALL WORKED UP OVER HIS AND HIS FELLOW $100,000+-PER-YEAR LABORERS' CAUSE...
...THIS ADMINISTRATION HAS FORCED US BACK TO WORK AT THE POINT OF A GUN...
IT HAS? WHEN DID THIS HAPPEN?
I ASSUME THIS WAS A HYPERBOLIC REFERENCE TO THE ENFORCEMENT OF THE TAFT-HARTLEY ACT...
JUST LIKE I HAD TO FEED A PARKING METER AT THE "POINT OF A GUN" AS WELL! WHERE'S THE OUTRAGE AT THAT, PEOPLE?!?
THE HIGHLIGHT WAS A SPEECH BY SEATTLE CONGRESSMAN "BAGHDAD JIM" MCDERMOTT, WHO AT THAT MOMENT WAS RECEIVING A HERO'S WELCOME AFTER CALLING BUSH A LIAR DURING A RECENT "FACT FINDING" VISIT TO IRAQ...
... MANY OF MY PEERS REFUSE TO TAKE A STAND, OUT OF FEAR OF LOSING THEIR SEATS...
HOORAH!
BRAVE WORDS INDEED, IF YOU IGNORE THE FACT THAT THE G.O.P. DOESN'T EVEN BOTHER TO BACK AN OPPONENT TO THIS ENTRENCHED INCUMBENT.
BUT I SAY THIS IS A CAUSE WORTH LOSING YOUR SEAT OVER!

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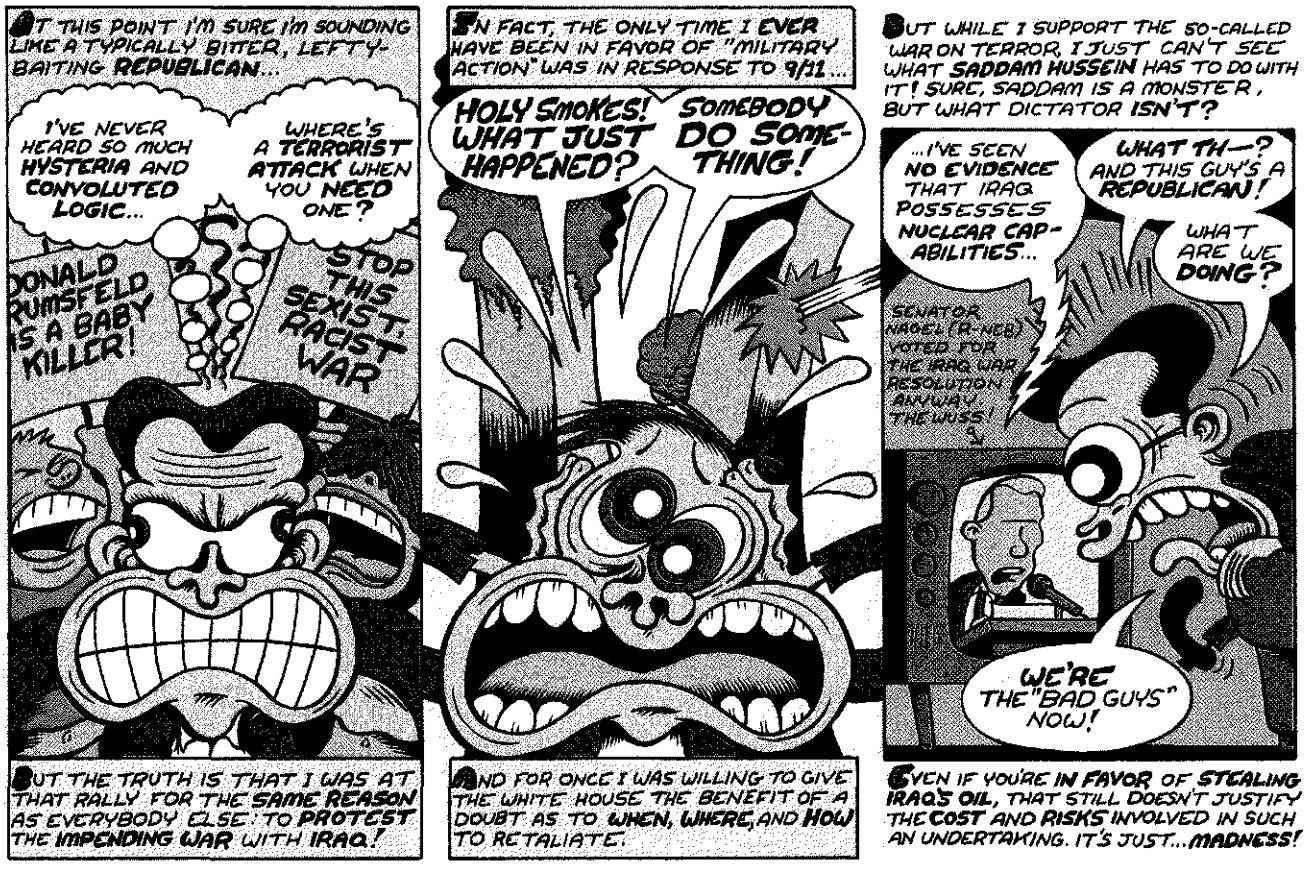
AT THIS POINT I'M SURE I'M SOUNDING LIKE A TYPICALLY BITTER, LEFTY-BAITING REPUBLICAN...
I'VE NEVER HEARD SO MUCH HYSTERIA AND CONVOLUTED LOGIC...
WHERE'S A TERRORIST ATTACK WHEN YOU NEED ONE?
DONALD RUMSFELD IS A BABY KILLER!
STOP THIS SEXIST, RACIST WAR
BUT THE TRUTH IS THAT I WAS AT THAT RALLY FOR THE SAME REASON AS EVERYBODY ELSE: TO PROTEST THE IMPENDING WAR WITH IRAQ!
IN FACT, THE ONLY TIME I EVER HAVE BEEN IN FAVOR OF "MILITARY ACTION" WAS IN RESPONSE TO 9/11...
HOLY SMOKES! WHAT JUST HAPPENED?
SOMEBODY DO SOMETHING!
AND FOR ONCE I WAS WILLING TO GIVE THE WHITE HOUSE THE BENEFIT OF A DOUBT AS TO WHEN, WHERE, AND HOW TO RETALIATE.
BUT WHILE I SUPPORT THE SO-CALLED WAR ON TERROR, I JUST CAN'T SEE WHAT SADDAM HUSSEIN HAS TO DO WITH IT! SURE, SADDAM IS A MONSTER, BUT WHAT DICTATOR ISN'T?
...I'VE SEEN NO EVIDENCE THAT IRAQ POSSESSES NUCLEAR CAPABILITIES...
WHAT TH—? AND THIS GUY'S A REPUBLICAN!
WHAT ARE WE DOING?
SENATOR NAGEL (R-NEB.) VOTED FOR THE IRAQ WAR RESOLUTION ANYWAY, THE WUSS!
WE'RE THE "BAD GUYS" NOW!
EVEN IF YOU'RE IN FAVOR OF STEALING IRAQ'S OIL, THAT STILL DOESN'T JUSTIFY THE COST AND RISKS INVOLVED IN SUCH AN UNDERTAKING. IT'S JUST... MADNESS!

OUT OF FRUSTRATION I DECIDED TO ATTEND THE AFORE MENTIONED RALLY— AND I REGRETTED IT ALMOST IMMEDIATELY AS I PASSED A GROUP OF "PEACE GRANNIES" STAGE-WHISPERING INSULTS AT A ROW OF POLICEMEN...
(PFFT. PIGS.)
(BUST ANY HEADS LATELY, COPPERS?)
(OINK OINK!)
NO IRAQ WAR
DEHUMANIZING "THE FUZZ" IS A TIME-HONORED TRADITION AT PROTEST GATHERINGS—IT'S TOO MUCH FUN NOT TO DO, I GUESS — BUT DON'T THESE RETIRED KINDERGARTEN TEACHERS REALIZE THAT THOSE COPS ARE THE ONLY THING STANDING BETWEEN, SAY, ME AND THEIR POCKETBOOKS RIGHT NOW?
THEN THERE WERE THE ROWS OF BOOTHS HAWKING SHRILL, DOOMSDAY-ISH SOCIALIST PARAPHERNALIA...
THAT'LL BE A ONE DOLLAR "DONATION," PLEASE...
WE DO HAVE COSTS TO COVER, YOU KNOW...
SHEESH! GUILT ME OUT OF MY MONEY, WHY DONT YA?
JUSTICE GUILT
DEATH AND DESTRUCTION: THAT'S WHAT THE CAPITALIST WAR MACHINE WANTS
READ WHAT THE CORPORATE MEDIA REFUSES TO REPORT!
MY MIND GOES NUMB IN THE FACE OF ALL THESE SCREAMING HEADLINES ABOUT HOW OUR TAX DOLLARS ARE FUNDING THE DISMEMBERMENT OF WOMEN AND CHILDREN IN VARIOUS WAR-TORN SHIT-HOLES AND OTHER DESPAIR-INDUCING "EXPOSÉS."
THERE ALSO WERE MANY PRO-PALESTINIAN, ANTI-OCCUPATION ACTIVISTS ON HAND, WHO KEPT SHOVING THE SAME FLIER INTO MY HAND OVER AND OVER AGAIN...
IT FEATURED A PHOTO OF A (ISRAELI?) SOLDIER, TAKEN AT AN ANGLE THAT IMPLIES THAT HE'S ABOUT TO SHOOT TWO ARAB KIDS AT POINT-BLANK RANGE...
I ALSO RESENT BEING FORCED TO SUBSIDIZE A STAGING GROUND FOR ARMAGEDDON, BUT DOES THAT MEAN I HAVE TO "ROOT" FOR THE PALESTINIANS? CAN'T I LOATHE BOTH SIDES EQUALLY?
WHERE'S THE "THEY CAN ALL GO TO HELL" BOOTH? I WANT TO VOLUNTEER!

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WHAT DO ANY OF THESE PET ISSUES HAVE TO DO WITH A **WAR IN IRAQ**, ANYWAY? WHAT ARE ALL THESE "PIGGYBACKERS" **DOING** HERE (BESIDES GETTING ON MY **NERVES**, THAT IS)? SHOULDN'T WE BE STICKING TO THE **MATTER AT HAND**?!?

I ASKED AN ORGANIZER FROM THE "NOT IN OUR NAME" COMMITTEE THIS VERY QUESTION. HE REPLIED THAT "JOB ONE" WAS GETTING PEOPLE TO SHOW UP **AT ALL**, AND THAT HE'S NOT GOING TO SPURN ANYONE WHO SHOWS UP WITH A **SEPARATE CAUSE** IN TOW.

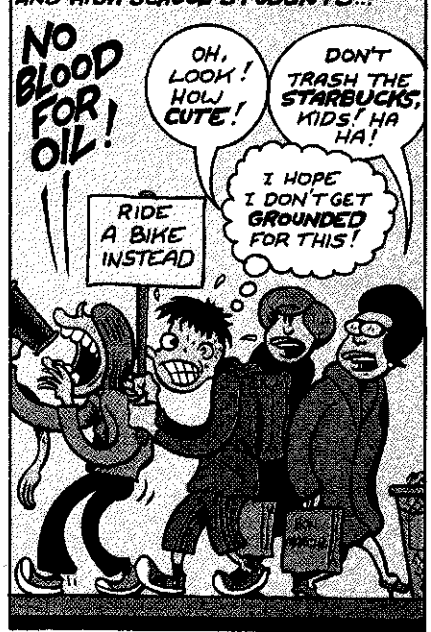
HE ALSO MADE THE FOLLOWING **SUGGESTION**:
YOU SHOULD ATTEND A "S.N.O.W.*" MEETING. THEY'RE ALL **OLDER, CHURCH-Y** TYPES...
THEY'RE ALSO THE **REAL ORGANIZING FORCE** BEHIND THE LOCAL ANTI-WAR MOVEMENT...
HUH. SOUNDS **BORING**, BUT OKAY.

*"SOUND NATIVES OPPOSED TO WAR"

I SOON FOUND MYSELF IN A CHURCH BASEMENT SURROUNDED BY GRAYING PETER, PAUL + MARY FANS. AND I WAS RIGHT: IT **WAS** BORING! STILL, I WAS IMPRESSED WITH THE WAY THOSE FOLKS HAD THIS WHOLE "PROTEST" ROUTINE **DOWN PAT**..

...A FEW OF OUR OLDER FRIENDS HAVE REQUESTED **FOLDING CHAIRS** FOR NEXT WEEK'S **SIT-IN**...
INSTRUCTIONS ON WHAT TO DO IN CASE YOU **GET ARRESTED** CAN BE FOUND NEXT TO THE **COFFEE MAKER**...
AGENDA
7:00: INTRODUC
7:15: REVIEW OPE

IT'S NOT SURPRISING, THEN, THAT THESE PROTESTS USUALLY FEEL RATHER **SCRIPTED**—LIKE THIS ONE MARCH THROUGH DOWNTOWN STAGED BY A GROUP OF HOOKY-PLAYING **COLLEGE** AND **HIGH SCHOOL STUDENTS**...



ALL THE PASSERS BY SEEMED TO BE GIVING THEM THE THUMBS-UP FOR THEIR **CUTENESS FACTOR** ALONE. IT WAS LIKE A **LI'L HIPPIE CHRISTMAS PAGEANT**!

THESE PROTESTS ATTRACT A WIDE VARIETY OF **HARMLESS NUTS** AS WELL —LIKE THE "CLOWNS AND WIZARDS FOR PEACE," WHO INCLUDED AN ELDERLY CLOWN IN A WHEELCHAIR WHO KEPT INSISTING THAT SHE WAS A **BABY**..

I'M A **BABY** CLOWN! CAN YOU TELL ME HOW TO BE A **GROWN-UP** CLOWN ONE DAY?
I, UH, HAVE **NO IDEA**...
CAN YOU DESIGN A **WEB SITE** FOR US?
LIVE WITH A KIND HEART
THEIR MOTTO

SUCH DISPLAYS OF **WILLFUL NAIVETÉ** ARE VERY TYPICAL AMONG PACIFISTS, SADLY.

IN FACT, **EVERY ARCHETYPE IMAGINABLE** COMES OUT OF THE WOODWORK AT THESE EVENTS, EACH ONE PLAYING THEIR "ROLE" TO THE **HILT**—LIKE THIS ONE **MULLETHEAD**, WHO RIGHT ON CUE CONFRONTED A GROUP OF MARCHERS TO DECLARE:

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I'M ALSO ALWAYS STRUCK BY ALL THE EGO-LESS WOMEN WHO KEEP **EVERY** TYPE OF ORGANIZATION AFLOAT, THE PEACE MOVEMENT BEING **NO EXCEPTION**... I ASKED A MEMBER OF THE "WOMEN IN BLACK" GROUP (WHO'VE BEEN HOLDING A **MASS WAKE** FOR YEARS NOW) WHAT SHE GETS OUT OF ALL THAT **VIGILANCE**...

...BUT IT'S **BECAUSE** WE'RE QUIET THAT PEOPLE START TO ASK **US** QUESTIONS...

IT DOES SOUND **FUTILE**, STANDING IN SILENCE FOR **HOURS** EVERY WEEKEND...

...IT'S AN IDEAL FORM OF PROTEST FOR ME, SINCE I'M NOT A **SCREAMER**...

NO WAR

THE **MEN** ARE A DIFFERENT STORY, HOWEVER — ESPECIALLY THE GRIZZLED "**PEACE** BEAR" TYPES, WHO DISGUISE THEIR HOSTILITY AS "**MORAL OUTRAGE**," AND THEY ALL HAVE THIS ANNOYING HABIT OF MAKING **SARCASTIC, MOCK-NAIVE COMMENTS** THAT ALWAYS START WITH THE WORD "**GEE**"...

GEE, I COULDA SWORN THIS WAR WAS JUST ABOUT **OIL**. BUT AFTER HEARING OL' DUBYA'S **SPEECH** LAST NIGHT I GUESS I WAS **WRONG**...

GEE, I WOULDA THOUGHT ALL THE YUPPIES WOULD'VE DUMPED THEIR **S.U.V.S** BY NOW IN THIS DOT-**BOMB** ECONOMY...

GUESS I WAS **WRONG**!

LET'S FACE IT: MASCULINITY AND PACIFISM ARE AN **AWKWARD MATCH**.

ANOTHER PEEVE OF MINE IS THE INSISTENCE, BY YOUNG AND OLD ALIKE, THAT "TODAY'S YOUTH" ARE ORGANIZING AND TAKING TO THE STREETS **ON THEIR OWN**, WITH **NO GUIDANCE** FROM THE OLD '60S RADICALS... THIS IN SPITE OF ALL EVIDENCE THAT SUGGESTS **OTHERWISE**...

THIS IS MY **SON'S** MARCH. I'M JUST HERE TO LEND **MORAL SUPPORT**...

—OOH, THERE'S A **NIKE** STORE! EVERYONE REPEAT AFTER **ME**...

...**SHAME ON YOU! SHAME ON YOU!**...

WAR HEALTH CHILDREN AND OTHER LIVING THINGS

NOT FOR

MAKE LOVE NOT WAR

BAN THE BOM

HELL NO WE WON'T GO!

?

AND DON'T GO GETTIN' ME STARTED ON **CELEBRITIES** WHO PROMOTE THEMSELVES BY TAKING A "BRAVE STAND" AGAINST "WAR." THEIR ARROGANCE AND **IGNORANCE** NEVER FAILS TO MAKE ME MOMENTARILY RECONSIDER MY **OWN** POSITION ON THE SUBJECT...

"...AS A **FATHER**, NO AMOUNT OF PROPAGANDA CAN CONVINCE ME THAT **500,000 DEAD CHILDREN** IS ACCEPTABLE "COLLATERAL DAMAGE"..."

HMMM... IF **WOODY HARRELSON** IS AGAINST IRAQI SANCTIONS, MAYBE THEY WERE A GOOD IDEA **AFTER ALL**...

UK GUARDIAN ONLINE GUEST EDITORIAL "I'M TIRED OF U.S. LIES"

"IN OTHER NEWS: WOODY HARRELSON WAS ARRESTED FOR **ASSAULTING** A LONDON **CAB DRIVER**..."

OH, AND **ANOTHER** THING: WHERE ARE ALL MY **FELLOW LIBERTARIANS** ON THIS PARTICULAR ISSUE? EVERYONE I'VE SPOKEN TO CLAIMS TO OPPOSE THIS WAR, BUT AS A GROUP OUR SILENCE HAS BEEN **DEAFENING**... OR **DROWNED OUT**, IN CERTAIN CASES...

I FELT LIKE I **BELONGED** HERE UNTIL THE SPEAKER BEGAN TO BLATHER ABOUT "SOAKING THE RICH" AND **BANNING TOY GUNS**, AND EVERYONE **CHEERED**...

I SUDDENLY FELT SO **ALONE**...

LIBERTARIANS FOR PEACE

I SUPPOSE THESE **HIGHLY VISIBLE** FORMS OF PROTEST SIMPLY AREN'T MOST LIBERTARIANS'"STYLE." THEY SURE AREN'T **MY** STYLE (OBVIOUSLY), THOUGH **DOING NOTHING** IN THIS INSTANCE DOESN'T SIT WELL WITH ME **EITHER**...

SO I GUESS I'LL STICK WITH **WRITING LETTERS** TO MY **ELECTED OFFICIALS** AND OTHER SUCH HUMDRUM TACTICS...

DEAR MR PREZDENT, HAVE YU LOST YUR COTTON-PICKIN' MIND? YURS, —A CONCERNT CITIZEN

OR I COULD ALWAYS DO A **COMIC** ABOUT IT...

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Come Hear Uncle Sam's Band

The hippie capitalism of the Grateful Dead

Brian Doherty

A Long Strange Trip: The Inside History of the Grateful Dead, by Dennis McNally, New York: Broadway Books, 684 pages, $30

ROBERT HUNTER, LYRICIST for the Grateful Dead, was interviewed in the 1990s by someone who wanted to know where that quintessential '60s countercultural band had stood on the key issue of those times-that-were-a-changin'. What was the Dead's relationship, the interviewer wondered, to the activist political movement that had been dedicated to bringing down a fascist warmongering Amerika?

Hunter replied that he found distasteful the fealty to Moscow and Peking (as it was called back then) widespread among prominent '60s revolutionaries. That fealty, he thought, was why that aspect of the '60s faded away while the Dead kept on truckin'. "We honor American culture, and what we find good in it," Hunter said of the Dead. And he knew American culture from many perspectives. As a member of the National Guard, Hunter had been called up to keep order during the 1965 Watts riots.

Never ones to sell a ton of records, the Grateful Dead were a phenomenally popular touring act in a career that started in 1965 and continued until the 1995 death of lead guitarist Jerry Garcia. Yet they were also subject to powerful enmity and mockery, often written off as standard bearers for an ignorant, torpid, left-wing hippie cult and an awful band of shapeless, self-indulgent musicians besides.

Yet as much as their detractors might prefer to keep them buried, the Dead again choogle among us. The remaining members of the band reunited last fall to tour as The Other Ones. And now here's *A Long Strange Trip: The Inside History of the Grateful Dead*, a huge, new, officially authorized history by Dennis McNally.

McNally is the author of 1979's well-regarded *Desolate Angel: Jack Kerouac, the Beat Generation, and America*. While researching that book, he decided that he "wanted to write a two-volume history of post-World War II American bohemia, volume one via the life of Kerouac and volume two through the lives of the Grateful Dead." In 1984, while researching this Dead bio, he was hired by the Dead to be their publicist. Garcia loved McNally's Kerouac bio and embraced him warmly.

This professional intimacy provides the book with insider insight and cooperation even as it stifles any brutal outsider objectivity. Still, McNally has written the most thorough, if not necessarily the most insightful, exploration of what he aptly calls "a spiritual experience, a musical phenomenon, and a business." The Grateful Dead's story is a vivid example of how and why the free pursuit of art and community can transform almost magically into a huge culture business. Neither the band's hacky-sacking devotees nor its conservative button-down critics may want to admit it, but the Dead is best understood as an amazing, traveling capitalist commune.

More than any other band, the Grateful Dead was always more than just a band. To tens of thousands of camp followers—the notorious Deadheads—they were a way of life, an ongoing odyssey, a modern American vision quest that stretched the length and breadth of the land. But when it came to leading the multitudes, Garcia was unambiguous: "Our trip was never to go out and change the world. I mean, what would we change it to? Whatever we did would probably be worse than the way it is now." Although they used to do benefits for friends and even started their own charitable foundation, the Rex Foundation (which has given away over $6 million to a wide variety of social, artistic, and environmental causes that strike the fancies of Dead members and employees), they didn't take public stands on the hot issues of the '60s: Vietnam, civil rights, women's lib, socialist revolution.

Instead, the Dead just did their own thing—pursuing their improvisational take on traditional American song forms in an innovative way. They were insular, largely segregated from the standard practices of the pop music industry. They practiced communal art and pleasure as a conduit to a different level of consciousness. In that, they are firmly embedded in a classic American grain dating back to Emerson—modern transcendentalists, using the contemporary tools of electronically amplified music and, of course, huge amounts of psychedelic drugs.

The Dead were a throwback to the '50s Beat cool that reigned when Garcia and Hunter, born in 1942 and 1941 respectively, were kids. Its disengaged cynicism about the square masses and its pursuit of personal, experiential edges appealed to them in a way the radical '60s never did. "As far as we were concerned," said Dead guitarist Bob Weir, "the war was their business—the people who

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were fighting it. We wanted nothing to do with it, and that was that. We weren't into protesting it." The Dead palled around with the Merry Pranksters and the Hell's Angels, not Students for a Democratic Society and the Weather Underground. "All that campus confusion seemed laughable," Garcia said. "Why enter this closed society and make an effort to liberalize it when that's never been its function? Why not leave and go somewhere else?"

That's what the Grateful Dead did. They started as a barroom rock and blues act in and around Palo Alto. As bohemians in that place and time

The Dead were true American capitalist visionaries, rich in dollars but also striving to remain rich in spirit.

tended to do, they gravitated toward the drug and experimental art scenes happening around the redoubt of renegade novelist Ken Kesey and his cronies, the Merry Pranksters. The Pranksters had settled in the nearby woods of La Honda and became famous for their "Acid Tests"—wild, psychedelic-fueled art parties. The Dead became the house band for the tests, and it was in that atmosphere that the Dead became *the Dead*—an LSD-fueled improvisational groove machine without peer or even comparison.

One of the ironies of that scene was the U.S. government's key role in creating it. Robert Hunter suggested that in a way the U.S. government "created *me*...and Kesey and the Acid Tests," and thus the Grateful Dead. Both Hunter and Kesey were first exposed to powerful psychedelics such as LSD, mescaline, and psilocybin as volunteers in government military research in the early '60s. (That research didn't just create hippies. Military strategist Herman Kahn of the RAND Corporation was also a heavy Army acidhead. He insisted that during one particularly heavy trip when he seemed to be just lolling about on the floor muttering "wow," he was really quietly reviewing potential bombing strategies against Red China.)

What eventually became a gigantic business—by 1993 the Dead had become the most popular live act in American history, grossing $47 million a year and selling 1.8 million tickets—first found its identity as an unpaid party band. The Dead further cemented their reputation in San Francisco's Haight-Ashbury neighborhood as frequent free entertainers in street and park concerts. The notion of *free* was the prime juju of the Haight-Ashbury scene circa 1965-'67, best exemplified by the secretive, legendary street gang the Diggers, who took their name from a band of 17th-century English proto-communists.

The Diggers were led by Emmett Grogan. A street thief since his early teens, Grogan gave away (mostly stolen) food and goods to the people of the Haight, a radical praxis to escape what he considered the constrictions of bourgeois capitalism. According to Grogan in his highly entertaining 1972 autohagiography, *Ringolevio: A Life Played for Keeps*, some East Coast hipsters were bummed out with the Dead when they first started playing there because they sold tickets. The Dead had to explain that while they reserved the right to play for fun and for free in their community and among their friends, they were in fact trying to earn a living through music.

And so they did—and a rich living it was. Over the years, the Deadhead scene grew slowly and steadily, with the band moving from clubs and theaters to arenas, never losing momentum even as they were written off by the press as irrelevant relics. The crowds kept getting bigger and more dedicated through the Reagan '80s, when the legendary parking lot and camping

We Aren't the World

American culture is not dominating the globe.

Charles Paul Freund

In the mid-1990s, the well-known French filmmaker Claude Berri warned that without protection from American cultural exports, "European culture is finished." He had plenty of pessimistic company. In that era, French Culture Minister Jack Lang spoke in terms of America's irrepressible "cultural imperialism." The popularity of a work like *Jurassic Park* was identified as a "threat" to others' "national identity." Strict programming quotas were enacted to prevent U.S.-made TV shows from overwhelming foreign prime time.

Meanwhile, scholars such as Herbert Schiller hadworked out theories explaining how the American political empire was founded on its expanding communications empire, and critics such as Ariel Dorfman were busy publicizing the poisonous imperialistic messages buried in the adventures of such despoilers as Donald Duck.

Today, similar jeremiads are blowing as strong as ever. The leading prophet of cultural doom these days is Benjamin R. Barber, an academic growing hoarse as he warns against "M

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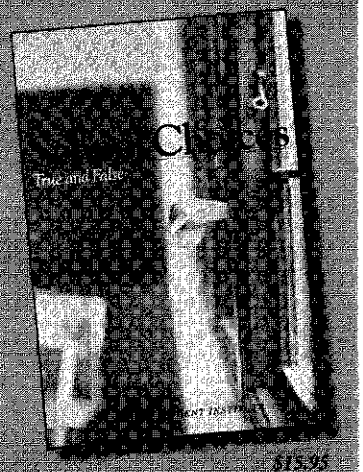

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School Choices
True and False
BY JOHN MERRIFIELD
Professor of Economics,
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The school choice movement has gained momentum in recent years, but today's programs are nothing like the "free market in education" proposed by the early advocates of school choice.

Economist John Merrifield shows that the school choice movement has become mired in false alternatives and diminished vision. Yet, he argues that school choice must not be allowed to fail like so many other government programs —a freely competitive market for education must remain the ultimate goal. **School Choices:** ***True and False*** charts a clear course for the achievement of this goal.

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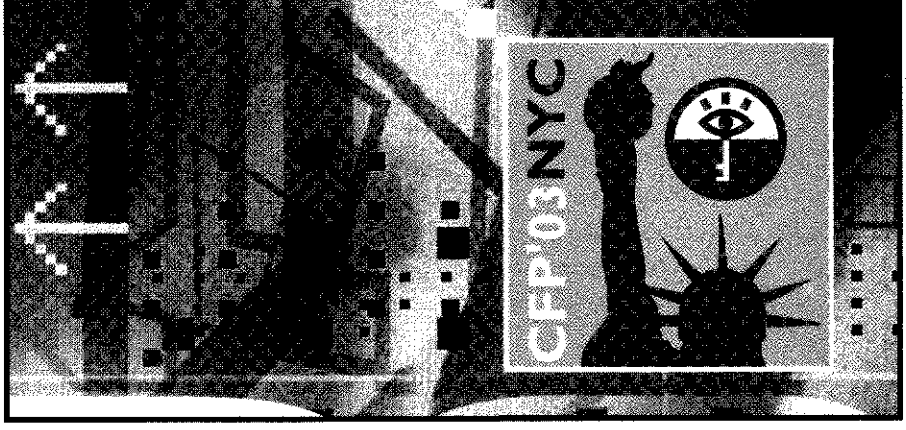

scenes that characterized their fanatical devotion really came into their own.

Of course, as the scene got bigger, the sellout talk got louder, especially when, in 1987, the Dead scored their first and only Top 10 hit, "A Touch of Grey." Cognoscenti particularly blamed MTV for exposing the bored kids of the late Reagan years to the groovy party scene of a Dead show. Still, no one could accuse the Dead of crassly chasing a mass audience. Even for the most commerce-hating critic, it would be hard to make the case that the Dead's riches came from anything other than wanting to play music in front of an appreciative audience and trying to accommodate the growing numbers who wanted in on the fun. They even let their fans tape their shows openly, while encouraging them to merely trade, not sell, the bootlegged results.

Of course, over the years things changed (change being something all psychedelic veterans can readily understand). In the old days, the Dead insisted that the audience was as important a part of the experience as the band itself in creating a group-consciousness "bleshing" (the gestalt concept derived from Theodore Sturgeon's 1953 beloved-by-hippies novel *More Than Human*). Later, one Dead critic charged, the band members found themselves viewing enormous audiences of strangers all over the world with "abstract feelings of affection, pity, or contempt" rather than the intensely personal connection they once felt for Haight-Ashbury crowds. But ultimately the Dead's only sin lay in being loved too well by too many people.

Even in the '90s, when Jerry Garcia's health and musical abilities were

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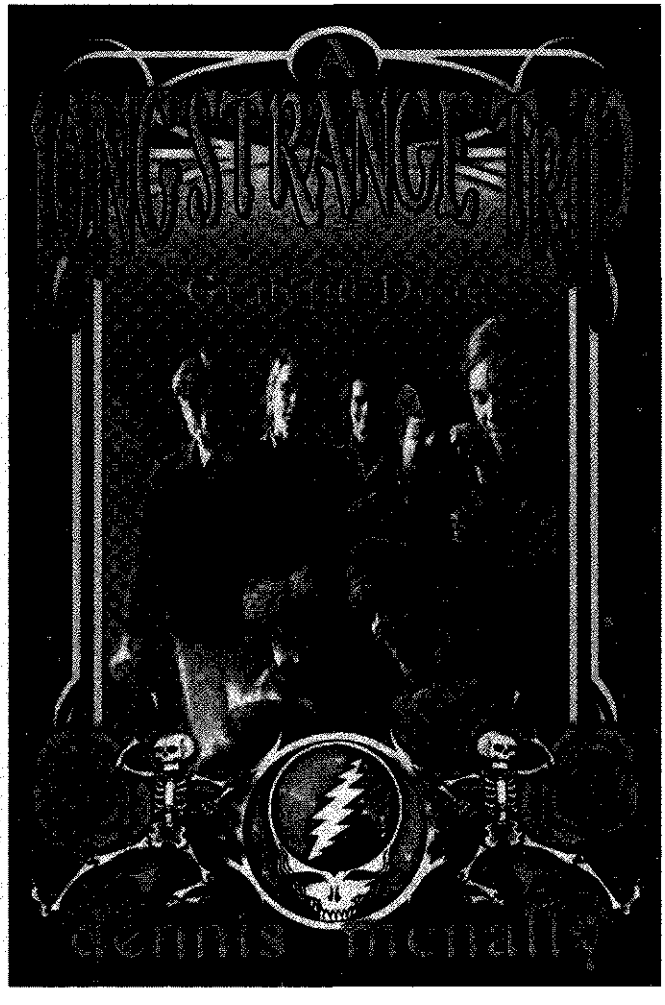
clearly on the wane and a long vacation might have been called for, the music never stopped. To be sure, that was partly because the band felt they couldn't afford to stop—they now had a huge business machine relying on the income touring provided. The Dead never sold that many records for a band of their prominence, and the road and support crews didn't make money from them anyway.

From the beginning, the Dead was less like a corporation and more like a communal family that kept growing. They tended to have great loyalty to old friends, no matter how difficult they became, and were more terrorized by their rough-and-tumble crew than bosses to them. Indeed, the band once allowed the janitor at their office to shoot down a suggestion from rock superpromoter Bill Graham as "too commercial." The Dead took a yearlong hiatus in 1975 to quietly encourage some of their road crew to find other work—they had neither the heart nor the will to outright fire them.

They tried an early, brief experiment running their own record label in 1973, the first major rock band to make a full end run around the big labels. The scoundrel who ran their label ripped them off for over $100,000. But before he took the money and ran, he dreamed of circumventing normal distribution channels by selling Dead albums from ice cream trucks. He contemplated getting a minority business loan from the government on the grounds that freaks like the Dead were certainly a minority.

For all their open-hearted and loving celebration of America, the Dead and their old pal Kesey were still, as their San Francisco compadres the Jefferson Airplane musically put it, "outlaws in the eyes of America." Although their acid sacrament was perfectly legal during the actual Acid Tests (which ran from 1964 until LSD was outlawed in 1966), milder marijuana was not. The original Prankster scene withered when Kesey fled to Mexico, running from a pot rap. The Dead's first communal home on Ashbury Street suffered a pot raid and arrest. Later, as they famously chronicled in song, they were "busted down on Bourbon Street/set up like a bowling pin."



In later years, federal and local drug cops were among the band's most loyal ticket buyers, treating Dead audiences as a rich source of drug arrests. The famously apolitical Dead were getting flack to weigh in as a business and cultural influence

›› We Aren't the World

the dull global "monoculture" he thinks is being imposed by American capitalism. (See "Tempest in a Coffeepot," January.) But mounting evidence suggests that all this fulmination has been entirely pointless, and that cultural pessimists have been as clueless about the processes shaping the world as were their social, economic, and political forebears.

In January, for example, the *New York Times* ran a front-page story reporting that exported American TV programs had largely lost their appeal for overseas audiences. According to the *Times*, these shows "increasingly occupy fringe time slots on foreign networks," leaving the prime-time hours to locally made shows.

"Given the choice," wrote London-based reporter Suzanne Kapner, "foreign viewers often prefer homegrown shows that better reflect local tastes, cultures and historical events." The problem, it turns out, is that many foreign broadcasters had not been giving their viewers much choice.

Why not? Many foreign networks had been created in a wave of 1980s privatization and lacked the financial and creative resources to produce their own programming. For a while, the most effective way to fill their schedules was by purchasing shows, especially American-made series. But as U.S. producers continued to drive up the price of their products, the now more experienced broadcasters opted to »

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against mandatory minimum sentences and the injustice of drug law enforcement. Yet they never did. As Garcia once said, "We don't have anything to tell anybody. We don't want to change anybody."

The Dead occupy a unique niche in American musical history. A rock 'n' roll band playing folky songs with a jazzman's dedication to improvisation, they perplexed both themselves and critics by being the only group of any prominence to occupy the space they claimed through all the '60s, '70s, and '80s. But as they drew sustenance from the mighty river of American folk styles, so they became a source for American music further downstream. In the '90s, the Dead's spirit gave birth to a new wave of "jam bands"—whose fans emulate the Deadheads in their obsessive dedication and camp following—best exemplified by Phish.

The Dead left behind a legacy of extraordinary songs and performances—a legacy best explored through hundreds of hours of recordings of live shows rather than through the band's usually failed studio efforts. As *A Long Strange Trip* shows, the Dead also left behind a legacy that challenges the idea, often voiced by the left and the right, that markets demean and disable culture. The Dead were a living example of how a communal enterprise can pursue a largely self-created way of art and life and bring real joy to millions.

Yet at the same time and with the purest motives, the band could also be a gigantic moneymaking machine that supported people, art, and a lifestyle. Art and commerce become the same thing when people are willing—or insanely eager—to pay for the privilege of being exposed to the art.

In achieving this, the Dead were true American capitalist visionaries, rich in dollars but also striving to remain rich in spirit. Doing their own thing, they became multimillionaires by accident, damn the complainers and damn the torpedoes. Like the character in one of their finest songs, "Uncle John's Band," they lived in a silver mine but called it Beggar's Tomb.

Former Dead manager Richard Loren told Carol Brightman, author of the 1998 book *Sweet Chaos: The Grateful Dead's American Adventure,* that the Dead were "anarchists" but also that "they were *Americans*. When I think of the Grateful Dead, I think of a flag and I think of a rose and I think of a steak and I think of a gun. And I think of the West, and I think of consciousness expansion. I think of irreverence and anarchy and I think of something *pure*."

Art and commerce become the same thing when people are insanely eager to pay for the privilege of being exposed to the art.

The Dead insisted they had no message. But Garcia once summed up a most admirable anti-message about what the Dead experience meant: "A combination of music and the psychedelic experience taught me to fear power. I mean fear it and hate it." As the Dead once sang, perhaps Uncle Sam really was hiding out in a rock 'n' roll band. ◻

Brian Doherty (bdoherty@reason.com) is an associate editor of **reason**.

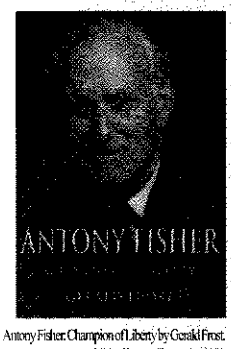
Antony Fisher changed the world, but you probably haven't heard of him...

Read his remarkable story in this new book.

Antony Fisher's name is not familiar to the world at large, and yet his achievements were both extraordinary and far-reaching. A successful entrepreneur, and a Battle of Britain fighter pilot who was decorated in World War II, he later introduced chicken factory-farming to the UK and made a fortune in the process.

More than Fisher's commercial success, though, it is his powerful effect on post-war politics that has won him a place in history. His deep rooted concern with the liberty of the individual, crystallised by a meeting with the free-market thinker Friedrich Hayek, redirected his life. As a result of this meeting, Fisher funded the establishment of The Institute of Economic Affairs in London, an independent economic think tank that has had an enormous influence on public policy and the views of leading politicians, notably Margaret Thatcher. By the time Fisher died in 1988 the IEA and its spin-offs around the world (in Argentina, Brazil, Chile, Colombia, Czech Republic, Ecuador, Guatemala, India, Ireland, Israel, Mexico, Peru, Poland, South Africa and the United States!) had played a crucial role in changing the direction of post-war politics for ever.

This book is both a study of the springs of power and political thought, and a sensitive portrayal of a private family man. Gerald Frost, who knew Fisher and many of those who worked with him, has produced a fascinating and revealing portrait of a man whose influence extended far beyond his reputation.



Antony Fisher: Champion of Liberty by Gerald Frost. Published by Profile Books. 2002. ISBN 1 86197 505 8. 270pp. $30.00

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Global Speculators

A billionaire and a Nobel laureate want to fix international trade agencies. Why bother?

Charles Oliver

George Soros on Globalization, by George Soros, New York: PublicAffairs, 191 pages, $20

Globalization and Its Discontents, by Joseph E. Stiglitz, New York: W.W. Norton & Co., 282 pages, $24.95

When the International Monetary Fund (IMF) and World Bank held joint meetings in Washington, D.C., in September, nothing remarkable happened. Given the recent struggle over globalization, that was news. Starting with the 1999 meeting of the World Trade Organization (WTO) in Seattle, meetings of international groups concerned with trade and economic development attracted thousands of protesters, some of them violent. They aimed to make themselves heard, even if that meant stopping these organizations from doing business. Violence, property damage, and clashes with police became expected features of the anti-globalization movement.

But that was before September 11, 2001. Protests planned for the 2001 IMF-World Bank meeting in D.C. were canceled, and some observers said the anti-globalization movement was dead.

Organizers of the 2002 protests hoped to show their movement was very much alive and announced that 20,000 protesters would show up. But the police and the public are still much less tolerant of the behavior protesters displayed in Seattle and other cities. The September meetings in Washington drew barely 2,000 protesters, who quickly found themselves outnumbered and outmaneuvered by police. Property damage was limited to a single smashed window and some graffiti.

But globalization criticism hasn't gone away. Indeed, it has gained some support from surprising quarters, including prominent businessmen and respected economists. These more economically literate critics point to some very real problems with the way globalization has taken place. In particular, they focus on the problems caused by organizations such as the World Bank and the IMF. Unlike the street demonstrators, these critics don't call for a halt to globalization and economic integration. They simply want it to be guided by right-minded individuals. But their criticisms of the institutions charged with guiding economic integration carry more power than they seem to realize, calling into question the very prescriptions they put forth.

Financier George Soros certainly understands a thing or two about how markets work. (In December a French court convicted the billionaire of insider trading and fined him $2.3 million.) And he certainly understands how trade helps nations become wealthier. In *George Soros on Globalization*, he admits, albeit in a footnote, that a World Bank study found developing countries with the biggest increases in trade as a share of gross domestic product have experienced higher and faster growth compared to their "pre-globalization" years as well as to "non-globalizing countries."

"Globalization," Soros writes, "is indeed a desirable development in many ways." But Soros is a strong critic of globalization, at least as it has taken place so far. He gives three basic reasons: "First, many people, particularly in less developed countries, have been hurt by globalization without being supported by a social safety net; many others have been marginalized by global markets. Second, globalization has caused a misallocation of resources between private goods and public goods. Markets are good at creating wealth but are not designed to take care of other social needs. The heedless pursuit of profit can hurt the environment and conflict with other

make their own programs.

In brief, the foreign broadcasters chose neither to whine about nor to spin theories about American culture but rather to *compete* with it. As of 2001, more than 70 percent of the most popular shows in 60 different countries were produced locally. There are still popular American shows (at first-run TV sets [especially movies], but as one European broadcaster told the *Times*: "You cannot win a prime-time slot with an American show anymore."

An even more dramatic shift may be going on with theatrical films. In 2001 "business for American films overseas fell by 10 percent against local product," according to Indian filmmaker Shekhar Kapur. Writing last August in the British newspaper *The Guardian*, Kapur noted: "The biggest success in Japan last year was not an American film. It was a Japanese film. The biggest success in Germany was not an American film, it was a German film. The biggest success in Spain was not an American film, but a Spanish film. The same in France. In India, of course, it's always been like that."

Kapur believes that "American culture has been able to dominate the world because it has had the biggest home market." But the growing commercial importance of Asia—China, India, Japan—along with the large markets in the Mideast and South Africa will change that, he argues. In other words, cultural globalization is far

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social values. Third, global financial markets are crisis prone."

For Soros, the real problem with globalization is that it hasn't gone far enough. "While markets have become global, politics remain firmly rooted in the sovereignty of the state," he complains. He proposes that we strengthen existing international organizations and create new ones devoted to "social goals such as poverty reduction and the provision of public goods on a global scale."

For example, Soros notes that "workers in the countries that offer cheap labor are often deprived of the right to organize and are mistreated in other ways. China is notorious in this respect." The problem, as Soros sees it, is that the International Labor Organization (ILO) lacks the teeth to enforce global labor standards. Developed nations such as the U.S. haven't lined up as solidly behind the ILO as they have behind the WTO. Soros wants the West, especially the U.S., to put more effort into strengthening the ILO and obeying its edicts.

He also wants the West to offer more aid to developing nations. Yes, he says, trade and globalization can help raise the standard of living in such nations, but they aren't doing so quickly enough. To speed things up, Soros offers a complex proposal. Every year, he says, the IMF should issue "Special Drawing Rights," a special kind of reserve money. Developing nations would keep their SDRs as part of their foreign currency reserves to draw upon in times of need, but developed countries would contribute their SDR allocation to the provision of global public goods.

Although Soros calls for new and more powerful international organizations, he's quite critical of the way existing institutions have used the powers they already have. According to him, the rules of the WTO are slanted to favor developed nations and multinational corporations over Third World nations.

That may be an overly harsh criticism, but it contains more than a kernel of truth. Soros argues that the WTO made a major mistake when it became involved in the protection of intellectual property. You may not agree with his assessment that intellectual property law in the West has tilted too far toward protecting the interests of big corporations. But he has an undeniable point when he argues that this issue takes the WTO outside its core mission of reducing global trade barriers. He also has a point that this issue is of greater concern to Western nations and multinational companies than it is to Third World nations.

The Third World would rather the WTO focus on removing the trade barriers that block their agricultural goods from Western plates and try to find ways to reduce the subsidies Western nations give their farmers. Those subsidies cause the global market to be flooded with farm products, driving down prices and making it harder for Third World farmers to make a living. But the WTO has yet to open up talks on freeing up the agriculture sector. Powerful farm interests in the U.S. and Europe have fought their governments' participation in such talks.

The WTO isn't the only international economic agency Soros finds fault with. He targets the World Bank and the IMF as well. World Bank loans flow to central governments, Soros argues, thus reinforcing the power of corrupt or repressive central regimes in developing nations. Again, that conclusion seems difficult to argue with. And his claim that the IMF creates a "moral hazard" in international credit markets has been well documented.

Lenders have come to believe that the IMF will bail them out when developing nations run into trouble repaying loans. Such lenders become less averse to risk, pumping money into nations with poor fiscal and monetary policies when they otherwise would not. Thus the IMF aggravates global financial crises. The IMF itself has admitted in reports on the Asian economic crises of the late 1990s that its policies may create a moral hazard.

Strident as it is, Soros' indictment of international institutions such as the IMF and World Bank pales beside

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that offered by Nobel Prize–winning economist Joseph E. Stiglitz in *Globalization and Its Discontents*. Stiglitz served as the World Bank's chief economist from 1997 to 2000, and his tenure left him with little good to say about that agency or any other major international economic institution. The policies of such organizations, as he sees them, are based on a perverse blend of bad economics and naked special interest politics. Such policies not only fail to reduce Third World poverty, but often increase the suffering of the peoples of developing nations. Stiglitz casts a jaundiced eye on all the major institutions, but none comes in for more criticism than the IMF.

"IMF structural adjustment policies—the policies designed to help a country adjust to crises as well as to more persistent imbalances—led to hunger and riots in many countries; and even when results were not so dire, even when they managed to eke out some growth for a while, often the benefits went disproportionately to the better-off, with those at the bottom facing even greater poverty," he writes.

The IMF, argues Stiglitz, lacks detailed, hands-on knowledge of the countries it deals with. That, along with a strong "market fundamentalist" ideology, leads it to prescribe one-size-fits-all solutions for every crisis it deals with. Sometimes its prescription works, but more often it makes things worse. The East Asian crises of the late 1990s are perfect examples of that problem.

"The Fund recognized that the underlying problems in East Asia were weak financial institutions and overleveraged firms; yet it pushed high interest rate policies that actually exacerbated those problems," Stiglitz writes. "The consequences were precisely as predicted: The high interest rates increased the number of firms in distress; and thereby increased the number of banks facing nonperforming loans."

Stiglitz also condemns developed nations, especially the United States, for blatant hypocrisy. Such nations demand that developing nations open up their markets to manufactured goods and protect the patents of the software and drugs made by multinational corporations. Yet they are unwilling to end the agricultural subsidies or import barriers that hammer Third World farmers.

Like Soros, Stiglitz paints himself as an economic Cassandra whose constant (and constantly correct) predictions of the harm brought on by IMF policies are always ignored. Yet like Soros, he ends up calling for more and more powerful international institutions to deal with the distress globalization can cause.

Stiglitz admits that markets do a great job of creating wealth, but they can also disrupt people's lives, and the benefits of capitalism, he claims, don't flow evenly to everyone. At the national level, we did not allow markets "to develop willy-nilly on their own." Governments passed minimum wage laws and antitrust laws. Governments provided public goods and promoted infant industries.

"Unfortunately, we have no world government, accountable to the people of every country, to oversee the globalization process in a fashion comparable to the way national governments guided the nationalization process," Stiglitz complains. He would like to take us closer to that world government.

Given their powerful condemnations of existing institutions, how can Soros and Stiglitz call for new and even more powerful international organizations? They clearly believe that existing institutions are simply run by the wrong people or have been badly designed. If the right people were to redesign and run those institutions—people such as George Soros and Joseph Stiglitz—they wouldn't do as much dam-

>> We Aren't the World

From a recipe for American dominance, it's an opportunity for other cultures and markets to assert themselves.

Kapur suggests this is already happening in such low-prestige areas as beauty contests, where the Miss USAs have been giving way in the ratings to the Miss Indias, but Kapur also expects it to happen in such high-prestige venues as international journalism, because much of the advertising revenue and investment will come from Asia.

"In 15 years from now," he writes, "we won't be discussing the domination of the western media but the domination of the Chinese media, or the Asian media. Sours do will find that, in order to make a hugely successful film, you have to match Tom Cruise with an Indian or a Chinese actor."

Kapur may be overstating his case. But he is right about the effects of competition. It is the small cultures who are competing with the U.S. Indeed, it is American producers who have lately been improving cultural niches, just to stay competitive. Reality TV, arguably the most derided—if popular—format now on American screens, comes from Europe.

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age and would do a great deal of good.

Critics of globalization aren't the only ones who say that a reformed and more powerful ILO, World Bank, and IMF can and should play a vital role in overseeing the process of globalization. Columbia University economist Jagdish Bhagwati is best known as an advocate of free trade; his new book *Free Trade Today* is a brief but excellent defense of trade against protectionist attacks. But even he gives lip service to the idea that international agencies such as the ILO and World Bank are needed. Are they?

Soros and Stiglitz condemn the way that special interest politics influences IMF and WTO decision making, but apart from calling for more "openness" in these institutions, they offer few specifics on how to remove the self-interest or the politics from the policy making. But is openness—giving the public greater access to the decision-making processes—really a cure for what ails the IMF and WTO and other international agencies?

Economist Anthony Downs has shown that most voters are ignorant, and rationally so, when it comes to political issues. One individual is unlikely to have any real impact on an election or on the course of government policy. So it makes little sense for most people to be well informed about what their government is doing. If one person can't affect his government, how much less influence will he have over large international institutions? No matter how "open" we make the IMF or the World Bank, the vast majority of the world's people will still have little reason to follow their policies very closely.

The only winners in the subsidies game are the victorious companies and the bureaucrats who aid them.

But those who can gain the most from the actions of these agencies—multinational corporations, Third World leaders, and others—will have a strong incentive to remain informed about them and to try to influence their decisions. These persons and firms will likely still wield a disproportionate influence over international economic institutions. We may change the rules and the structure of these institutions, but we can't change human nature.

Markets, imperfect as they are, tend to direct our often self-serving behavior toward ends that benefit others. In a purely free market, corporations must earn money by providing goods and services that consumers demand. But when subsidies or special protection are available from either governments or international agencies, corporations will tend to compete for them. The only winners in that game are the victorious companies and the bureaucrats who aid them.

Nor is there any reason to believe that we can solve the knowledge problems that Stiglitz highlights. Stiglitz rightly points out that the IMF and other international organizations lack detailed knowledge of local economies. They aren't sufficiently familiar with the customs and traditions of developing nations. Their ignorance, combined with poor economics, leads them to prescribe policies that often do little to help developing nations, and sometimes make things much worse.

It's no surprise that information doesn't move up through large institutions very well. Nor is it a surprise that large bureaucracies favor cookie-cutter solutions that may not apply to any given problem. Soros and Stiglitz each offer ideas on how to make these institutions adapt their programs to individual nations' needs.

Soros, for example, calls for giving the directors more autonomy and reducing middle-management positions. But such changes aren't exactly thoroughgoing. In the end, neither Soros nor Stiglitz give us any reason to believe that large international organizations will ever acquire or use the sort of detailed, localized approaches to problems that they call for.

Indeed, Soros and Stiglitz amass quite a bit of evidence that the best solution to many of the problems they highlight, especially in the devel-

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oping world, may be through a decentralized, nongovernmental approach. Soros lets us know time and again about all of the good work his foundations have done across the globe. For example, his International Science Foundation paid the salaries of some 35,000 scientists in the former Soviet Union, allowing them to keep working at a time of state cutbacks. Soros also underwrote the treatment of tuberculosis in Russian prisons, an experience that led to further efforts against the disease.

"We mobilized the best experts in the field and commissioned Partners in Health in Boston to prepare a study on the global impact [of multi-drug resistant TB]," he writes. After that, he put together a coalition of 190 organizations and governments in an effort to wipe out TB worldwide.

Soros' foundation network has helped develop a certification process for aid organizations around the world. Companies, governments, and other foundations can give to those groups in confidence that they will use that money well on projects that will probably make a difference in the lives of citizens of developing nations.

Stiglitz also notes that private groups have often been better able than the IMF and World Bank to help nations overcome economic problems. One notable success story happened in Botswana, which averaged a 7.5 percent GDP growth rate from 1961 until 1997. That nation turned to the Ford Foundation for advice on how to develop needed infrastructure and build sound government policies.

"Unlike the IMF, which largely deals with the finance ministry and central banks, the advisers openly and candidly explained their policies as they worked with the government to obtain popular support for the programs and policies," Stiglitz writes. "They discussed the program with senior Botswana officials, including cabinet ministers and members of Parliament, with open seminars as well as one-to-one meetings." The Ford Foundation advisers took the time to study local conditions when developing their proposals and they took the time to explain those proposals and build a consensus for them politically. That's what made the policies a success, Stiglitz argues.

In sum, Stiglitz and Soros think the IMF, the World Bank, and other international agencies should act more like private organizations and foundations. But the weight of the evidence they present suggests another conclusion: The world, especially the developing world, doesn't need a "reformed" IMF or World Bank; what it needs is more Ford Foundations and more Soros foundations.

Soros and Stiglitz concede that free trade and economic globalization are, on the whole, good things. They admit that the arguments for trade are largely valid. They also admit that globalization isn't the cause of all the world's problems, as some of its economically illiterate critics sometimes suggest. The TB epidemic in Russia and the AIDS epidemic in sub-Saharan Africa, for instance, have complex causes. But free trade doesn't seem to be among the factors leading to those problems.

If you look closely at the problems Soros and Stiglitz cite, however, it isn't clear that any of them are caused by globalization. Stiglitz rightly notes, for instance, that the IMF and World Bank pushed an agenda of privatization on Russia when what it really needed was secure private property rights and the rule of law. Without those institutional supports, privatization simply became a way for the politically connected to loot the country. But the core problem in Russia was the lack of property rights, not free trade, or even the wrongheaded prescriptions offered by the IMF and World Bank. At most, Russia's economic problems were a failure of global economic agencies, not of globalization itself.

Globalization will remain a contentious subject, but its critics, at least its more economically literate critics, have conceded much: They admit that free trade and economic integration are good. The only serious globalization argument remaining, it seems, is about the terms on which globalization takes place. ▯

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But Is It Outsider Art?

A prominent painter flunks a purity test.

Jesse Walker

IT MAY BE impossible to define *outsider art* adequately, but I'll try. It is eccentric, engaging, and often apocalyptic. It stands outside the standard schools and movements, and it is produced by artists who are usually self-taught and often judged insane. It includes some of the most compelling, disturbing, and/or simply strange painting, sculpture, and even literature and music being produced today. Like pornography, I know it when I see it; and like pornography, its boundaries are hard to locate.

Joe Coleman has just hit one of those boundaries. Whatever outsider art might be, Coleman is one of its biggest stars, creating vivid paintings of riots, demons, serial killers, and sideshow geeks, all rendered in an instantly recognizable style. His 1996 painting *Faith* does not merely include a scantily clad woman with a crucifix around her neck saying, "Come here, you bad boy," above the caption, "Mommy says: Come visit me in Heaven." It puts her in a tableaux that also includes internal organs, Hindu deities, Richard Speck, and—surrounded by all that and much else—Coleman himself, his skull exposed, an armless clock in the center of his face. To the extent that such labels mean anything, it's not hard to see why Coleman is usually branded an outsider artist.

Yet New York's annual Outsider Art Fair, which flirted with barring Coleman's paintings in 2002, decided not to include him when it reopened its doors from January 23 to 26 this year. The chief problem, says co-director Caroline Kerrigan, is that Coleman has been to art school, thus removing him from the ranks of the self-taught. "This is a fair for outsider artists," she says. "We feel his art would be more appropriate in a contemporary fair." Coleman claims that money is the real issue: When the organizers excluded him, he asserts, they described him as "too aware of the whole business process of selling" his work. "They seem to want to promote an art in which they're dealing with people who are either emotionally or physically incapable of protecting themselves," he complains. "Or dead."

Whatever outsider art might be, Joe Coleman is one of its biggest stars, creating vivid paintings of riots, demons, serial killers, and sideshow geeks.

It does seem strange that the Outsider Art Fair, which has shown Coleman's work since 1997, would choose to exclude him now. It's not as though it only just learned that the painter attended the New York School of the Visual Arts, and it's not as though he's the only artist at the fair with such a background. One, Alex Grey, actually *teaches* art. Coleman, meanwhile, was tossed out of school and happy to be on his way. "I didn't learn anything in art school," he says. "You don't learn to do the kind of work that I do in art school. When I was there they were very much into minimalism, and they felt that figurative work was illustration, not art. They were painting over my paintings."

Suspicious motives don't negate the fair's right to deal with whichever people it pleases. Coleman will survive whether or not his work appears at this particular venue, and the venue will survive whether or not its patrons have to go elsewhere to find one past participant's paintings.

This conflict is important for a different reason: because it exposes certain assumptions about "primitive" art. One reason outsider art is increasingly popular is because it seems so unmediated, as though it tumbled directly from the creator's mind onto the canvas. The discovery that the creator actually guided its fall with some *skills*—skills, worse yet, that he deliberately honed—can feel like a betrayal, at least for those who've romanticized the artist as an untutored primitive without any self-awareness.

During the postwar folk music revival, rural musicians faced a similar mixture of adulation and condescension. For many middle-class whites, they were mediums tuned to the soul of the American people, not creative individuals drawing on but adding to the traditions of the past. At times, such disrespect opened the door to behavior not unlike the exploitation that Coleman accuses the art fair of perpetuating today. Song collectors such as the late Alan Lomax would copyright their "discoveries" in their own names, earning royalties on songs they neither composed nor played.

Even as the myth of the collective folk machine receded and individual creators received their due, another misconception remained. Musical forms such as bluegrass—a pop category created in a completely commercial context, just a few years before the folk revival began—were regarded as older, purer, and somehow unsullied by commerce. As bluegrass

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performers migrated from the country market to the folk one—a distinction that didn't really exist before the McCarthy era—its practitioners adapted to the new audience's expectations.

John W. Rumble illustrated the point nicely in an essay on the mandolinist Bill Monroe, widely regarded as the father of bluegrass. "Most folkies knew little of his tent show years or his ties to minstrelsy, medicine shows, and vaudeville," wrote Rumble. "Awed by his natural country dignity, they didn't stop to think that his first two radio sponsors were laxative companies."

Unlike Coleman, I'm painting with a broad brush. There were plenty of listeners who understood that folk musicians were hard-working creators as well as emissaries from the underclass, and plenty who understood that they were commercial entertainers as well as artists.

Similarly, there are many critics and curators today who believe the former to be true, and the latter potentially true, of outsider artists. Joe Coleman may be schooled, but he has never let any school define, contain, or even seriously influence his work. He may take an interest in his paintings' sales, but he has never been known to moderate his vision for the sake of its salability. For most people, that's enough, which is why Coleman is a star of the outsider art world.

Others, obviously, have a narrower definition. As is often the case with artistic categories, it reveals more about the categorizer than about the art. ■

Associate Editor Jesse Walker (jwalker@reason.com) is author of Rebels on the Air: An Alternative History of Radio in America (NYU Press).

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Unreal Thing

Charles Paul Freund

HATE THE U.S.? Live in Europe? Then drink Mecca-Cola, a new brand aimed at slaking Europe's anti-American thirst. The label may look like Coca-Cola's, but it urges, "Don't Drink Stupidly, Drink with Commitment!" French-Tunisian founder Tawfiq Mathlouthi has promised to donate 10 cents of every Mecca euro to Palestinian "charities."

Established in Paris last fall, Mecca claimed in December to have orders for 2 million bottles. One customer explained that he'd switched from Coke because the American drink represents "all the things that are most diabolical in history."

Although Mecca has positioned itself against Coke, it's actually competing for the anti-American niche market against an established Iranian off-brand, Zam Zam (named for the city of Mecca's sacred spring). Zam Zam is now expanding into Europe, and Mecca's tack, it appears, is to beat Zam Zam by directly evoking Coca-Cola (note the "classic" flavor).

Europe's cola war is an echo of the Mideast's anti-Coke fervor. Of course, boycotts there are less a threat to American shareholders than they are to regional franchises. Ramallah's locally-owned Coke plant, with some 400 jobs, is among the few still-profitable Palestinian businesses. Its threatened employees surely have their own idea of what it is to drink stupidly.

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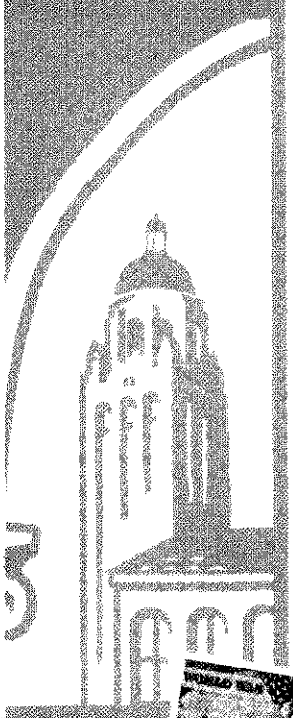
The 2002 Elections: Much Sound, Little Fury

David Brady is a senior fellow and an associate director at the Hoover Institution.

Morris Fiorina is a senior fellow at the Hoover Institution.



Paid for by the Hoover Institution, Stanford University.

"Now we can look forward to more obscene tax cuts for the rich, wholesale rape of the environment, huge deficits, obstruction of any investigation into corruption and a packed judiciary." Letter to the *San Francisco Chronicle,* November 7, 2002.

According to much postelection commentary a shift of two Senate seats has delivered full control of national policy to the Republicans. Soon oil companies will drill in the Arctic National Wildlife Refuge and conservative judges will assume seats on various federal courts, among other Democratic nightmares.

In fact, as any freshman who did not sleep through American Government 101 should know, nothing of the sort is likely to occur. Certainly, there will be some movement. The Homeland Security Bill, for example, has already become law, Democrats having realized that seeming to place the interests of public sector unions over national security was not a winning electoral strategy. In budgetary matters, the Republicans will do better on the margins and a compromise version of prescription drug coverage will pass.

But Republicans with loftier ambitions are likely to be disappointed, for **the switch in control does not greatly increase the likelihood that major Republican legislation will pass the Senate**. The implication of the filibuster is that on most matters (the budget is the exception that seems to have misled so many) sixty Senators must be willing to take up legislation or nominations. Nothing that forty-one or more Democrats strongly oppose will pass. The switch in control has not magically produced sixty votes for a Republican version of a prescription drug bill or a producer-friendly energy policy. Two months ago Tom Daschle could not pass anything that forty-one Republicans were willing to filibuster, and two months from now the same will be true for Trent Lott and forty-one recalcitrant Democrats.

In sum, for those who like policy gridlock, little has changed. **What the switch in control will change is the "show time" aspects of the Senate process.** We will see more of Trent Lott and less of Tom Daschle on TV. There will be more publicity for bills favored by the Republicans, different hearings with different witnesses, and more votes intended to embarrass Democrats. That's the way the game is played.

There is, however, a danger as well as a benefit to the Republicans in their new status as the party in control of the national government. With control comes responsibility for national policies and national conditions. One reason that congressional Democrats fared so badly in the 1994 elections was that Democrats controlled everything and thus took full blame. After Newt Gingrich and Bob Dole assumed leadership of their respective chambers, however, President Clinton was able to shift blame to the Republicans and "triangulate" to reelection, an option now unavailable to President Bush. Republicans now bear full responsibility for the state of the nation during the coming two years, but they have less power than most people realize.

— David Brady and Morris Fiorina

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